



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 26] नई दिल्ली, शुक्रवार, अगस्त 5, 2016/श्रावण 14, 1938 (शक)
No. 26] NEW DELHI, FRIDAY, AUGUST 5, 2016/SHRAVANA 14, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 5th August, 2016:—

BILL No. 90 OF 2016

A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Be it enacted by Parliament in the Sixty-seventh year of the Republic of India as follows:—

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mencement.

Amendment of
section 2.

2. In the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (hereinafter referred to as the principal Act), in section 2, after clause (a), the following clause shall be inserted, namely:—

56 of 2007.

'(aa) "Fund" means the Senior Citizens Welfare Fund constituted under section 23A;'

Amendment of
section 8.

3. In section 8 of the principal Act, in clause (3), for the words "any claim for maintenance", the words "any claim for maintenance or welfare of senior citizens" shall be substituted.

Amendment of
section 9.

4. In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The maximum maintenance allowance which may be ordered by such Tribunal shall be awarded taking into consideration:—

(i) the position and status of the parties;

(ii) the reasonable wants of the claimant; and

(iii) the value of the claimant's property and any income derived from such property, or the claimant's own earning or earning from any other source."

Insertion of new
Chapter IIIA.

5. After Chapter III of the principal Act, the following chapter shall be inserted, namely:—

"CHAPTER IIIA

SPECIAL PROVISIONS FOR SENIOR CITIZENS

Facilities for
the Senior
Citizens.

19A. The State Government shall provide the following facilities to senior citizens—

(a) concessions—

(i) in all modes of transportation including reservation of seats and earmarking of seats in local public transport;

(ii) in gas and telephone connections; and

(iii) in entrance fees in leisure and entertainment facilities, art and cultural centres and places of tourist interests;

(b) higher rate of interest to senior citizens on savings schemes in public sector banks; and

(c) ease of accessibility to senior citizens by—

(i) removal of physical barriers to facilitate easy movement of senior citizens in all public buildings; and

(ii) modifications in designs of public transport vehicles for easy entry and exit and strict enforcement of traffic discipline at zebra crossing to facilitate senior citizens.

Senior Citizen
Identity Card.

19B. (1) The Central Government shall designate an agency at the national level for issuing Identity Cards to the senior citizens.

(2) The identity card issued under sub-section (1) shall be utilized to avail the benefits of various Central and State Government schemes meant for senior citizens.

(3) The identity card issued under sub-section (1), shall contain particulars of the senior citizens including blood group, allergies, ailment and medication and an emergency contact number."

6. In section 20 of the principal Act,—Amendment
of section 20.

(a) for clause (i), the following clause shall be substituted, namely:—

"(i) the Government hospitals or hospitals funded fully or partially by the Government earmark not less than ten per cent. of the beds for senior citizens;" and

(b) after clause (v), the following clauses shall be inserted, namely:—

"(vi) health insurance for senior citizens is provided at affordable premium:

Provided that for senior citizens living below poverty line, the premium shall be paid by the State Government;

(vii) facility of trained nurses is provided for needy ailing senior citizens at their residences;

(viii) counseling facilities and information on the care and treatment of senior citizens having psychological problems be provided;

(ix) non-Governmental organizations get grants, training and orientation of their personnel and various concessions to provide ambulance services, day care and health care to senior citizens in order to complement the efforts of the State."

7. In section 21 of the principal Act, after clause (iii), the following clauses shall be inserted, namely:—Amendment
of section 21.

"(iv) voluntary organizations and associations of senior citizens are assisted to provide helpline services, legal aid and other protective services;

(v) senior citizens who have been abandoned are provided quality residential accommodation, medical facilities and all other concessions available under this Act; and

(vi) police keeps a friendly vigil on senior citizens, either couple or single living alone, and promote mechanism of interaction with neighborhood associations."

8. After Chapter V of the principal Act, the following chapter shall be inserted, namely:—Insertion of
new Chapter
VA.**"CHAPTER VA****SENIOR CITIZENS WELFARE FUND**

23A. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Senior Citizens Welfare Fund for the welfare of senior citizens and there shall be credited—

Constitution
of the Senior
Citizens
Welfare Fund.

(a) all sums received by way of grants, gifts, donations, benefactions, bequests or transfer;

(b) all sums received from the Central Government including grants-in-aids;

(c) all sums from such other sources as may be decided by the Central Government.

(2) All contributions to the Fund shall be provided income tax relief to the extent of ten per cent.

(3) The State Governments shall also establish a similar Fund for the welfare of the senior citizens in the States concerned.

(4) The Fund shall be utilized and managed in such manner as may be prescribed.

Accounts and
Audit of the
Fund.

23B. (1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government account, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government."

STATEMENT OF OBJECTS AND REASONS

The legislation for the Maintenance and Welfare of the Parents and Senior Citizens came into place with the development of the provisions of article 41 read with Entry 23 of the List III Concurrent List of Schedule VIII of the Constitution.

The present Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has provisions with regard to maintenance of parents and senior citizens, establishment of old age homes, medical care for senior citizens and specifies offences for non-fulfillment of the above. Since this is the only Act which takes care of the rights of senior citizens, it should be holistic in nature. The need is that focus should not be only in providing maintenance to the elderly but also ensuring a qualitative and productive life for them in the private as well as in public sphere.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to provide for—

- (a) special provisions for senior citizens including concessions in travel, gas and telephone connections and entrance fees in leisure and entertainment facilities;
- (b) issuance of identity card for senior citizens in order to avail the benefits of various Central and State Government schemes of assistance;
- (c) removal of physical barriers to facilitate easy movement of senior citizens in public buildings and public transport;
- (d) extension of the scope of the Maintenance Tribunal for speedy disposal of complaints not only with regard to maintenance but also relating to fraudulent dealings, cheating and other claims of the welfare of senior citizens;
- (e) incorporation of certain criterion for the determination of the maximum amount of maintenance for the senior citizens as well as his family;
- (f) engagement of the services of voluntary organizations and associations of senior citizens in providing helpline services, legal aid and other protective services to senior citizens;
- (g) constitution of Senior Citizens Welfare Fund for the welfare of senior citizens;
- (h) affordable health insurance, specialized trained nurses, counseling facilities to senior citizen and training, grants and concessions to non-governmental organizations to provide ambulatory services, day care and health care to complement the efforts of the State.

Hence this Bill.

NEW DELHI;

POONAM MAHAJAN

November 16, 2015.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1) AND 117(3) OF
THE CONSTITUTION

[Copy of letter No. 15—36(72)/2015-16/AG.II dated 20 March, 2016 from Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2016 (Amendment of section 2, etc.) by Shrimati Poonam Mahajan, M.P., recommends to the House the introduction of the Bill under articles 117(1) and 274(1) and consideration under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for creating necessary infrastructure in public buildings and public transport for ensuring easy accessibility of senior citizens. It also provides for a issuance of Identity card to Senior Citizens. Clause 8 provides for the constitution of Senior Citizens Welfare Fund to which contribution from the Central Government shall be credited. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

BILL NO. 105 OF 2016

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 11.

2. In section 11 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), in sub-section (1), for the words "he shall be punishable, in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.", the words "he shall be punishable, in the case of a first offence, with fine which shall not be less than three thousand rupees but which may extend to five thousand rupees, and in the case of a second or subsequent offence committed within three

59 of 1960.

years of the previous offence, with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months, or with both." shall be substituted.

3. For section 12 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 12.

"12. If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev* or any other operation (including injection of any substance or oxytocin) to improve lactation which is injurious to the health of the animal or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with imprisonment for a term which may extend to four years, or with both, and the animal on which the operation was performed shall be forfeited to the Government."

Penalty of practising *phooka*, *doom dev* or use of oxytocin.

4. In section 20 of the principal Act, for the words "which may extend to two hundred rupees", the words "which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees" shall be substituted.

Amendment of section 20.

5. In section 26 of the principal Act, for the words "he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both", the words "he shall be punishable on conviction with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with imprisonment which may extend to six months, or with both" shall be substituted.

Amendment of section 26.

6. For section 31 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 31.

"31. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act shall be a cognizable offence within the meaning of that Code."

Cognizability of offences.

7. In section 38 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 38.

"(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with imprisonment for a term which may extend to six months, or with both."

STATEMENT OF OBJECTS AND REASONS

The Prevention of Cruelty to Animals Act, 1960 was enacted to provide for prevention of infliction of unnecessary pain or suffering on animals. However, the same has not achieved its purpose owing to lesser penal provisions.

The Act has failed to protect animals for more than decades now. Animal abusers have continued to take advantage of the obsolete Act and continue to inflict unfathomable amount of cruelty on animals and remain unpunished.

In *Animal Welfare Board of India Vs. A. Nagaraj*, dated 07.05.2014, the Hon'ble Supreme Court observed, *inter alia*,—

- Parliament is expected to make proper amendment of the Prevention of Cruelty to Animals Act, 1960 to provide an effective deterrent to achieve the object and purpose of the Act and for violation of section 11, adequate penalties and punishments should be imposed.
- Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honour.

Thus, there is an urgent need to amend the penal provisions of the Act in compliance with the judgment of the Supreme Court and to prevent the unnecessary pain and suffering to animals and to ensure that the Act is deterrent to animal abusers.

This Bill, therefore, seeks to replace penal provisions of the Prevention of Cruelty to Animals Act, 1960 with increased penalty. The amended provision will promote the constitutional duty of compassion.

Hence this Bill.

NEW DELHI;

POONAM MAHAJAN

March 22, 2016.

BILL NO. 278 OF 2015

A Bill further to amend the Representation of People Act, 1951.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of People (Amendment) Bill, 2015.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

2. In section 62 of the Representation of the People Act, 1951, for sub-section (5), the following sub-section shall be substituted, namely:—

Amendment of
section 62.

"(5) No person shall vote at any election if he is confined in a prison under a sentence of imprisonment or transportation after being convicted:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force or is in prison or police custody but has not yet been convicted."

STATEMENT OF OBJECTS AND REASONS

Section 62(5) of the Representation of the People Act, 1951 governing the "right to vote", stipulates that no person shall vote in any election if he is confined in a prison under a sentence of imprisonment or transportation or otherwise or is in the lawful custody of the police. The section was challenged before the Supreme Court as violative of articles 14 and 21, the right to equality and life in *Anukul Chandra Pradhan v. Union of India* (July 1997). The Court upheld the constitutionality of the sub-section (5) of section 62 on the rationale that it curbed criminalisation of politics. Article 14 of the Constitution does permit the state to make classifications on the application of the law to persons, provided the classifications are reasonable and have a rational connection to the objective being sought to be achieved. Further, it took account of practical considerations and ruled that the additional resources that would be required to allow such persons to cast their vote justified the denial of the statutory right to vote.

With respect to the argument of criminalisation of politics, it is incorrect to treat persons who have not been convicted by a court of law as the same as those already convicted and carrying out their term of imprisonment. Criminal jurisprudence in India mandates the presumption of innocence unless proven guilty. Denying undertrials and persons in police custody the right to vote merely because of their location is clearly a violation of the right to equality and is arbitrary.

The discrepancy in the law is heightened by the fact that persons out on bail can vote. It is a sad reality in India that not all undertrials are accused of non-bailable offences. Often they are accused of bailable offence but do not have the resources to pay the surety and get bail.

With the respect to the argument as to the high costs expended in the process of allowing undertrials and persons in police custody to cast their votes, it must be noted that the Act already allows persons in preventive detention to cast their vote. Thus the same method of postal ballots may be extended to undertrials and persons in police custody. E-balloting may also be used to allow such persons to cast their vote.

The National Crime Record Bureau's latest figures reveal that there are 2,78,503 undertrials in prisons at present, constituting more than two-thirds (67.6 per cent) of total persons in prisons. Disenfranchisement of such a large percentage of our citizenry will only further alienate them. The right to vote lies at the very heart of the idea of full and effective citizenship and by denying voting rights to prisoners, the State effectively negates their citizenship status.

Hence this Bill.

NEW DELHI;
November 18, 2015.

PRALHAD VENKATESH JOSHI

BILL No. 323 OF 2015

A Bill to provide for prohibition of spitting in public places in order to keep the public places clean.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Spitting in Public Places Bill, 2015.

Short title,
extent and
commencement.

(2) It extends to the Union territories only.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "local authority" includes a municipal committee, corporation, council by whatever name called, district board, cantonment board or any authority for the time

being entrusted by law with the control and administration of any matters within a specified local area; and

(b) "spitting" includes expectorating.

Prohibition of
spitting in
public place.

3. Notwithstanding anything contained in any other law for the time being in force, the spitting in any manner whatsoever, in any public place is hereby prohibited.

Punishment.

4. (1) Whoever violates the provisions of section 3 shall be liable to pay a fine of not less than five hundred rupees in the case of spitting of saliva or phlegm and a fine of not less than one thousand rupees in the case of spitting of betel nut or *paan*.

(2) A person violating the provisions of section 3 shall also be liable to perform such community service as may be decided by the local authority for four hours.

Power to
make rules.

5. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Spitting or expectorating in India is a major health and cleanliness issue that has gripped the country since many years. Spitting is a potential cause of airborne diseases such as tuberculosis, pneumonia and influenza (including swine flu). India has the highest number of new cases of tuberculosis and of TB-related deaths in the world, with 2.3 million new cases and an estimated 320,000 deaths annually. Further, in 2015 alone there have been more than 30,000 reported cases of swine flu. Apart from being a serious public health hazard, this habit impacts the tourism industry negatively as the red stains of gutka creates an unhygienic environment for local public and tourists alike.

Keeping in mind, the *Swachh Bharat Abhiyan*, it is pivotal that we bring change in our daily lives and manners to make sure that the country could progress in the right direction. It is, therefore, proposed to prohibit spitting in public places and making its violation an offence.

Hence this Bill.

NEW DELHI;
November 18, 2015.

PRALHAD VENKATESH JOSHI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 289 OF 2015

A Bill further to amend the Copyright Act, 1957.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Copyright (Amendment) Act, 2015.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1957.

2. In the Copyright Act, 1957 in section 52, in sub-section (1), for clause (q), the following clause shall be substituted, namely:—

Amendment
of section 52.

"(q) the reproduction, communication to the public, or publication of any Government work unless the reproduction or publication of such work is prohibited by the Government, the court, the tribunal or other judicial authority, as the case may be."

STATEMENT OF OBJECTS AND REASONS

The Copyright Act, 1957 confers on the Government ownership of all work created under the direction or control of the Government or any of its departments, any legislature, or any court, tribunal or other judicial authority by virtue of section 2(k) read with section 17 (d) of the Act.

The Act provides for a narrow set for exception of use of such work not amounting to infringement. However, the Government has hardly asserted its copyright over Government works, even if the same is for commercial purposes.

The jurisprudence behind granting a copyright stems from both the economic-incentive theory and the natural rights theory. The former justifies copyright as a reward to the author for creating the work and functions as an encouragement/incentive mechanism to produce more works by the author. The latter theory justifies copyright on the ground that every person is entitled to own the fruit of his/her labour. Neither theory warrants Government having copyright over its works. The Government does not require an economic incentive to create more works nor it is a natural persons to be entitled to the fruit of its labour. Government works are in fact created for the benefit of the public and with public resources; hence the public deserves unrestricted access to such works.

In the age of greater transparency in Government actions and wider dissemination of information the narrow exceptions to infringement of Government works is insufficient. Copyright is a colonial concept and hence there is a need to expand the narrow exception provided under section 52(1)(g) of the Copyright Act, 1957 to provide wider access and use of Government works without the fear of prosecution for infringement.

Hence this Bill.

NEW DELHI;

PRALHAD VENKATESH JOSHI

November 18, 2015.

BILL NO. 23 OF 2016

A Bill further to amend the Representation of People Act, 1951.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of People (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 70 of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

Insertion of
new section
70A.

"70A. (1) If a person, who is already a member of either House of Parliament or a State Legislature, is elected or nominated as a member of a Municipal Corporation, then at the expiration of such period, as may be prescribed, his seat in Municipal Corporation shall become vacant unless he has previously resigned within the prescribed time period his seat in that House of Parliament or a State legislature, as the case may be.

Vacation of
seats in case
of multiple
memberships.

(2) If a person, who is already a member of a Municipal Corporation and is subsequently elected or nominated as a member of either House of Parliament or a State Legislature, as the case may be, then at the expiration of such period, as may be prescribed, his seat in that House shall become vacant unless he has previously resigned within the prescribed time period his seat in the Municipal Corporation.

(3) If a person, who is already a member of either House of Parliament or a State Legislature, is elected or nominated as a member of a Panchayati Raj Institution, then at the expiration of such period, as may be prescribed, his seat in Panchayati Raj Institution shall become vacant unless he has previously resigned within the prescribed time period his seat in that House of Parliament or a State legislature, as the case may be.

(4) If a person, who is already a member of a Panchayati Raj Institution and is subsequently elected or nominated as a member of either House of Parliament or a State Legislature, as the case may be, then at the expiration of such period, as may be prescribed, his seat in that House shall become vacant unless he has previously resigned within the prescribed time period his seat in the Panchayati Raj Institution."

STATEMENT OF OBJECTS AND REASONS

Article 101 of the Constitution prohibits a person from simultaneously being a member of both Houses of Parliament. It further prohibits a person from simultaneously being both a member of Parliament and of a House of Legislature of State.

Section 70 of the Representation of the People Act, 1951 also prohibits a person from holding of multiple seats in either Houses of Parliament or State Legislature.

However, there is no central law prohibiting a person from holding positions in Parliament or State Legislature, and a position in the local body simultaneously. Whilst some States have foreseen such a situation and have appropriately dealt with it in their State laws, other States do not have such provisions. For example section 52A of the Chennai City Municipal Corporation Act, 1919 states that, "no person shall be qualified for being elected as, and for being, a Mayor, Deputy Mayor or Councillor or if he is a member of the Legislative Assembly or a member of either House of Parliament."

No such provision, however, exists in the Karnataka Municipal Corporations Act, 1976. It shows that a person can hold the position of both Member of Legislative Assembly and Councillor legally, and may even draw a salary from both positions.

It is important to maintain a separation of roles amongst the three tiers of Government—the Centre, State and Local bodies.

Hence this Bill.

NEW DELHI;
February 11, 2016.

PRALHAD VENKATESH JOSHI

BILL NO. 145 OF 2016

A Bill to provide for the formation within the State of Assam of an autonomous State to be known as Karbi Dimanchal and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title and
commencement.

1. (1) This Act may be called the Assam Reorganisation (Karbi Dimanchal) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the formation of Autonomous State;

(b) “article” means an article of the Constitution;

(c) “autonomous State” means the Autonomous State of Karbi Dimanchal formed under section 3;

(d) “constituency” means a territorial constituency provided by order made under section 12 for the purpose of election to the Legislative Assembly;

(e) “Election Commission” means the Election Commission appointed by the President under Article 324;

(f) “Governor” means the Governor of Assam exercising his functions as Governor in relation to Karbi Dimanchal by virtue of this Act;

(g) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument, having immediately before the appointed day, the force of law in the whole or in any part of the Autonomous State;

(h) “Legislative Assembly” means the Legislative Assembly of Karbi Dimanchal;

(i) “Karbi Dimanchal” means the autonomous State referred to in section 3;

(j) “member” means a member of the Legislative Assembly;

(k) “Official Gazette” means the Official Gazette of Karbi Dimanchal or the Gazette of India; and

(l) “prescribed” means prescribed by rules made under this Act.

PART II

FORMATION OF THE AUTONOMOUS STATE OF KARBI DIMANCHAL

3. On and from the appointed day, there shall be formed within the State of Assam an Autonomous State to be known as Karbi Dimanchal which shall, subject to the provisions of Part I in the Table appended to Paragraph 20 of the Sixth Schedule, comprising the following Tribal areas namely:—

Formation of
Karbi
Dimanchal.

(i) the North Cachar Hills District (now Dima Hasao Autonomous District); and

(ii) the Karbi Anglong District.

4. (1) The Executive power of Karbi Dimanchal shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Act.

Executive
Power of
Karbi
Dimanchal.

(2) Nothing in this section shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Karbi Dimanchal from conferring by law functions on any authority subordinate to the Governor.

5. (1) Subject to the provisions of this Act, the executive power of Karbi Dimanchal shall extend to the matters with respect to which the Legislature of Karbi Dimanchal has power to make laws:

Extent of
Executive
Power of
Karbi
Dimanchal.

Provided that in any matter with respect to which the Legislature of Karbi Dimanchal, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Karbi Dimanchal shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive of the State of Assam shall not extend, in relation to Karbi Dimanchal, to the matters with respect to which the Legislature of Karbi Dimanchal has executive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act, the executive power of the State of Assam shall, in relation to Karbi Dimanchal, continue to extend to the matters with respect to which the Legislature of Karbi Dimanchal has no power to make laws.

Council of
Ministers.

6. (1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Karbi Dimanchal.

(2) The question whether any, and if so, what, advice was tendered by Minister to the Governor shall not be inquired into in any court.

Other
provisions as
to Ministers.

7. (1) The Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for this purpose in the First Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of the Ministers shall be such as the Legislature of Karbi Dimanchal may from time to time by law determine and, until the Legislature so determines, shall be determined by the Governor.

Advocate-
General for
Karbi
Dimanchal.

8. (1) The Governor may, if he thinks fit to do so, appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate-General for Karbi Dimanchal.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Karbi Dimanchal upon such legal matters, and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Act or any other law for the time being in force.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

Conduct of
Business.

9. (1) All executive action of the Government of Karbi Dimanchal shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of Karbi Dimanchal and for the allocation among Ministers of the said business.

10. It shall be the duty of the Chief Minister of Karbi Dimanchal—

(a) to communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of Karbi Dimanchal and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of Karbi Dimanchal and proposals for legislation as the Governor may call for; and

(c) if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Duties of Chief Minister as respects the furnishing of information to Governor, etc.

PART III

THE LEGISLATURE

GENERAL

11. (1) There shall be a Legislature for Karbi Dimanchal which shall consist of the Governor and the Legislative Assembly.

(2) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from constituencies in Karbi Dimanchal shall be fixed by the Central Government by notification in the Official Gazette after consultation with the Election Commission, but shall not be less than fifty four:

Provided that all the seats of Legislative Assembly shall be reserved for persons belonging to the Scheduled Tribes.

(3) The existing twenty six Missing Autonomous Council (MAC) Constituencies of Autonomous Hills District of Karbi Anglong and twenty eight MAC Constituencies of Autonomous Hills District of Dima Hasao shall be the Legislative Assembly Constituencies of the Karbi Dimanchal Autonomous State.

(4) The Governor may, if he is of opinion that any unrepresented communities in Karbi Dimanchal need representation in the Legislative Assembly and are not adequately represented therein, nominate not more than three members of such communities, not being persons in the service of the Government, to the Legislative Assembly.

12. (1) The Election Commission shall, in the manner herein provided, distribute the total number of seats in the Legislative Assembly as fixed under sub-section (2) of section 11 to single member constituencies and delimit them on the basis of the latest census figures having regard to the following provisions, namely:—

(a) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to the physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every constituency shall be so delimited as to fall only within an Assembly constituency of the Legislative Assembly of the State of Assam; and

(c) the population of each constituency shall, as far as practicable, be the same throughout Karbi Dimanchal.

Constitution of the Legislature of Karbi Dimanchal.

Delimitation of Constituencies.

(2) For the purpose of assisting the Election Commission in the performance of its functions under this section, the Commission shall associate with itself such number of associate members not exceeding five as the Governor may nominate to represent Karbi Dimanchal:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled as soon as may be practicable by the Governor in accordance with the provisions of sub-section (2).

(4) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further consider by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings at such place or places as it may think fit; and

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of the constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order shall be laid before the Legislative Assembly.

(6) Upon the completion of each census, the total number of seats in the Legislative Assembly and the division of Karbi Dimanchal into territorial constituencies shall be readjusted by such authority and in such manner as parliament may be law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Explanation.—In this section "latest census figures" mean the census figures with respect to Karbi Dimanchal ascertainable from the latest census of which the finally published figures are available.

13. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 12 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly.

Power of
Election
Commission
to maintain
delimitation
orders up-to-
date.

- 14.** (1) The persons entitled to vote at an election of members shall be the persons entitled by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the House of people. Electors and electoral rolls.
- (2) The electoral roll for every constituency shall consist of so much of the electoral roll for an Assembly constituency of the Legislative Assembly of the State of Assam as relates to the areas comprised within each such Constituency and it shall not be necessary to prepare or revise separately the electoral roll for any such constituency.
- 15.** Every person, whose name is for the time being entered in the electoral roll for a constituency, shall be entitled to vote at the election of a member from that constituency. Right to vote.
- 16.** A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he— Qualification for Membership.
- (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;
- (b) is not less than twenty-five years of age; and
- (c) is an elector in any constituency in Karbi Dimanchal.
- 17.** The provisions of Part I, Chapter III and IV of Part II and Parts III to XI of the Representation of the People Act, 1951, and of any rules and orders made thereunder for the time being in force, shall apply to and in relation to the elections to the Legislative Assembly of Karbi Dimanchal as they apply to and in relation to an election to the legislative Assembly of a State, subject to such modifications as the President may, after consultation with the Election Commission, by order, direct. Election to the Legislative Assembly.
- 18.** The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Legislative Assembly: Duration of the Legislative Assembly.
- Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.
- 19.** (1) The Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Sessions of Legislative Assembly, prorogation and dissolution.
- (2) The Governor may, from time to time,—
- (a) prorogue the Legislative Assembly.
- (b) dissolve the Legislative Assembly.
- 20.** (1) The Governor may address the Legislative Assembly and may for that purpose require the attendance of members. Right of Governor to address and send messages to Legislative Assembly.
- (2) The Governor may send messages to the Legislative Assembly, whether with respect to a Bill then pending in the Legislative Assembly or otherwise and when a message is so sent, the Legislative Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.
- 21.** (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and inform the Assembly of the causes of its summons. Special address by the Governor.

(2) Provision shall be made by the rules regulating the procedure of the Legislative Assembly for the allotment of time for discussion of the matters referred to in such address.

Rights of
Ministers as
respects
Legislative
Assembly.

22. Every Minister and the Advocate-General for Karbi Dimanchal shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

OFFICERS OF THE LEGISLATIVE ASSEMBLY

Speaker and
Deputy
Speaker of
Legislative
Assembly.

23. (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and

(c) may be removed from his office by a resolution of the Legislative Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Legislative Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is also vacant, by such member of the Legislative Assembly as the Governor may appoint for the purpose.

(4) During the absence of the Speaker from any sitting of the Legislative Assembly, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Assembly, or, if no such person is present, such other person as may be determined by the Legislative Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislature of Karbi Dimanchal by law and, until provision in that behalf is so made, such salaries and allowances as the Governor may, by order, determine.

Speaker and
Deputy
Speaker not
to preside
while a
resolution for
his removal
from office is
under
consideration.

24. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or, while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 23 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Legislative Assembly and shall, notwithstanding anything in section 27, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

Secretariat of
Legislative
Assembly.

25. (1) The Legislative Assembly shall have a separate secretarial staff.

(2) The Legislature of Karbi Dimanchal may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly.

(3) Until provision is made by the Legislature of Karbi Dimanchal under sub-section (2), the Governor may, after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly, and any rules so made shall have effect subject to the provisions of any law made under and said sub-section.

26. The Karbi Dimanchal Autonomous State shall have its own department of personnel administration and as such shall have own service cadre and shall be known as "Karbi Dimanchal Public Service Commission".

Public Service Commission.

27. The Karbi Dimanchal Autonomous State shall have its own police cadre to be known as Karbi Dimanchal Police Cadre which shall be recruited by the Karbi Dimanchal Public Service Commission.

Police Cadre.

CONDUCT OF BUSINESS

28. Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

Oath or Affirmation by Members.

29. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

Voting in Assembly, power of Assembly to act

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

notwithstanding vacancies and quorum.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) Until the Legislature of Karbi Dimanchal by law otherwise provides, the quorum to constitute a meeting of the Legislative Assembly shall be ten members.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or suspend the meeting until there is a quorum.

DISQUALIFICATIONS OF MEMBERS

30. (1) No person shall be a member of Parliament or of the Legislative Assembly of the State of Assam and also of the Legislative Assembly of Karbi Dimanchal, and if a person is chosen a member of Parliament or of the Legislative Assembly of Assam and also of the Legislative Assembly of Karbi Dimanchal, then, at the expiration of such period, as may be specified in rules made by the President, that person's seat in Parliament or, as the case may be, in the Legislative Assembly of Assam shall become vacant unless he has previously resigned his seat in the Legislative Assembly of Karbi Dimanchal.

Vacation of seats.

(2) If a member of the Legislative Assembly—

(a) becomes subject to any of the disqualifications mentioned in section 31, or

(b) resigns his seat by writing under his hand addressed to the Speaker, his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly is, without permission of the Legislative Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Legislative Assembly is prorogued or is adjourned for more than four consecutive days.

Disqualifications
for
membership.

31. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Karbi Dimanchal other than an office declared by the Legislature of Karbi Dimanchal by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any of the provisions of Chapter III of Part II of the Representation of the People Act, 1951, as applied to and in relation to the Legislative Assembly by section 17.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of Karbi Dimanchal by reason only, that he is a Minister either for the Union or for such State or for Karbi Dimanchal.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

Penalty for
sitting and
voting before
making an
oath or
affirmation or
when not
qualified or
when
disqualified.

32. If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 28, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of Karbi Dimanchal, he shall be liable in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to Karbi Dimanchal.

Powers,
privileges,
etc. of
members.

33. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature of Karbi Dimanchal, there shall be freedom of speech in the Legislative Assembly of Karbi Dimanchal.

(2) No member of the Legislative Assembly of Karbi Dimanchal shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as may from time to time be defined by the Legislature of Karbi Dimanchal by law, and until so defined, shall be those for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-section (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, or otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.

Salaries and
allowances of
members.

34. Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of Karbi Dimanchal by law and, until provision in that respect is so made, such salaries and allowances as the Governor may, by order, determine.

LEGISLATIVE POWERS AND PROCEDURE

35. (1) Subject to the provisions of this Act, the Legislature of Karbi Dimanchal has exclusive power to make laws for Karbi Dimanchal or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule.

Extent of legislative power.

(2) Subject to the provisions of this Act, the Legislature of Karbi Dimanchal and the Legislature of State of Assam also shall have power to make laws for Karbi Dimanchal or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule.

(3) For the removal of doubts it is hereby declared that nothing in sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

(a) on Parliament to make laws for the whole or any part of the State of Assam, including Karbi Dimanchal, with respect to any of the matters enumerated in the Second Schedule; or

(b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Karbi Dimanchal, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

36. (1) The property of the Union shall, save in so far as Parliament may, by law, otherwise provide, be exempt from all taxes imposed by Karbi Dimanchal or by any authority within Karbi Dimanchal.

Exemption from taxation of properties of the Union and the State of Assam and of certain vehicles registered in Assam or Karbi Dimanchal.

(2) Nothing in sub-section (1) shall, until Parliament by law otherwise provides, prevent any authority within Karbi Dimanchal from levying any tax on any property of the Union to which such property was immediately before the commencement of this Act liable or treated as liable so long as that tax continues to be levied in Karbi Dimanchal.

(3) The property of the State of Assam shall, so long as the property of Karbi Dimanchal in the rest of Assam is exempt from taxes imposed by the Government of Assam or by any authority within the State of Assam, be exempt from all taxes imposed by Karbi Dimanchal or by any authority within Karbi Dimanchal.

(4) No vehicle registered at any place in the State of Assam, not being a place in Karbi Dimanchal, and transiting through Karbi Dimanchal shall be liable to any tax under any law enacted by the Legislature of Karbi Dimanchal so long as any vehicle registered at any place in Karbi Dimanchal and transiting through the territory of Assam (not comprised in Karbi Dimanchal) is exempt from payment of any tax under any law enacted by the Legislature of the State of Assam.

37. (1) If any provision of a law made by the Legislature of Karbi Dimanchal is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Karbi Dimanchal, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Karbi Dimanchal shall, to the extent of the repugnancy, be void.

Inconsistency between laws made by the legislature of the state of Assam and laws made by the legislature of Karbi Dimanchal.

(2) Where a law made by the Legislature of Karbi Dimanchal with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, which the Legislature of Karbi Dimanchal is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of Karbi Dimanchal shall, if it has been reserved for the consideration of the President and has received his assent, prevail in Karbi Dimanchal:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Karbi Dimanchal.

Inconsistency
between laws
made by
Parliament
and laws made
by the
legislature of
Karbi
Dimanchal.

38. Where a law made by the Legislature of Karbi Dimanchal with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Karbi Dimanchal shall, to the extent of the repugnancy, be void unless the law has received assent under section 41 after the Governor has obtained the advice of the Chief Minister of Assam:

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Karbi Dimanchal.

Explanation 1.—In this section and in sections 37 and 61, "existing law" means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation.

Explanation 2.—In this section and in sections 41 and 52, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under clause (1) of article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

Special
provisions as
to financial
Bill.

39. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Governor if such Bill or amendment makes provisions dealing with any of the following matters, namely:—

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by Karbi Dimanchal, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Karbi Dimanchal;

(c) the custody of the Consolidated Fund or the Contingency Fund of Karbi Dimanchal, the payment of moneys into, or withdrawal of moneys from, any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of Karbi Dimanchal or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of Karbi Dimanchal or the public account of Karbi Dimanchal or the custody or issue of such money;

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters specified in sub-section (1) by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees of licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Karbi Dimanchal, shall not be passed by the Legislative Assembly unless the Governor has recommended to the Assembly for the consideration of the Bill.

40. A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly, but shall lapse on a dissolution thereof.

Procedure as to lapsing of Bills.

41. When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Assent to Bills.

Provided that the Governor may, as soon as possible after the presentation to him of the bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly with or without amendment and presented to the Governor for assent, the Governor shall not—

(a) give assent in the case of a Bill containing provisions of the nature referred to in section 38 except after obtaining the advice of the Chief Minister of Assam; and

(b) withhold assent in the case of any other Bill.

Explanation.—For the purposes of this section and section 42, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 39 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill :

Provided that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration, or regulation of any tax by any local authority or body for local purposes.

42. When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Bills reserved for consideration.

Provided that where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the Legislative Assembly together with such a message as is referred to in section 41, and when a Bill is so returned, the Legislative Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the Legislative Assembly with or without amendment, it shall be presented again to the President for his consideration.

43. No Act of the Legislature of Karbi Dimanchal and no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by the Constitution or this Act was not given, if assent to that Act was given—

Requirements as to sanction and recommendation to be regarded as matters of procedure only.

(a) where the recommendation required was that of the Governor, either by the Governor or by the President; and

(b) where the recommendation or previous sanction required was that of the President, by the President.

PROCEDURE IN FINANCIAL MATTERS

44. (1) The Governor shall in respect of every financial year cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of Karbi Dimanchal for that year, hereinafter referred to as "the annual financial statement".

Annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure

charged upon the Consolidated Fund of Karbi Dimanchal; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of Karbi Dimanchal, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged upon the Consolidated Fund of Karbi Dimanchal—

(a) the salaries and allowances of the Speaker and Deputy Speaker of the Legislative Assembly;

(b) debt charges for which the Autonomous State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(c) any sums required to satisfy any judgement, decree or award of any Court or arbitral tribunal; and

(d) any other expenditure declared by the Constitution or by the Legislature of Karbi Dimanchal to be so charged.

Procedure in
Legislative
Assembly with
respect to
estimates.

45. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of Karbi Dimanchal shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

Appropriation
Bills.

46. (1) As soon as may be after the grants under section 43 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of Karbi Dimanchal of all moneys required to meet—

(a) the grants so made by the legislative Assembly; and

(b) the expenditure charged on the Consolidated Fund of Karbi Dimanchal,

but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of Karbi Dimanchal, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the provisions of sections 47 and 48, no money shall be withdrawn from the Consolidated Fund of Karbi Dimanchal except under appropriation made by law passed in accordance with the provisions of this section.

Supplementary,
additional or
excess grants.

47. (1) The Governor shall,—

(a) if the amount authorised by any law made in accordance with the provisions of section 46 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for the year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for the year,

cause to be laid before the Legislative Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess, as the case may be.

(2) The provisions of sections 44, 45 and 46 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure or grant.

48. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power—

Votes on account and exceptional grant.

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 45 for the voting of such grant and the passing of the law in accordance with the provisions of section 44 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the autonomous State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement; and

(c) to make an exceptional grant which forms no part of the current service of any financial year; and the Legislature of Karbi Dimanchal shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of Karbi Dimanchal for the purpose for which the said grants are made.

(2) The provisions of sections 45 and 46 shall have effect in relation to the making of any grant under sub-section (1) and to any law to be made under that sub-section, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Karbi Dimanchal to meet such expenditure.

PROCEDURE GENERALLY

49. (1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business including the language or languages to be used in the Legislative Assembly.

Rules of procedure.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Assam in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Governor.

50. No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court, or of a High Court, in the discharge of his duties.

Restrictions on discussion in the Legislative Assembly.

51. (1) The validity of any proceeding in the Legislative Assembly shall not to be called in question on the ground of any alleged irregularity of procedure.

Courts not to enquire into the proceedings of Legislative Assembly.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

LEGISLATIVE POWERS OF THE GOVERNOR

Power of
governor to
promulgate
ordinances
during recess
of Legislative
Assembly.

52. (1) If at any time, except when the Legislative Assembly is in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that the Governor shall not without instructions from the President, promulgate any such Ordinance, if—

(a) a Bill containing the same provisions would under the Constitution or this Act have required the previous sanction of the President for the introduction thereof into the Legislative Assembly of Karbi Dimanchal; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of Karbi Dimanchal containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President:

Provided further that the Governor shall not, except on the advice of the Chief Minister of Assam, promulgate any such Ordinance if with respect to a Bill containing the same provisions he would have deemed it necessary under this Act to obtain the advice of the Chief Minister before assenting thereto.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislative Assembly assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly, upon the passing of the resolution; and

(b) may be withdrawn at any time by the Governor.

(3) If and so far as an Ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature of Karbi Dimanchal assented to by the Governor, it shall be void:

Provided that—

(a) for the purposes of section 37 relating to the effect of an Act of the Legislature of Karbi Dimanchal which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution, an Ordinance promulgated under this section in pursuance of instructions from the President shall be deemed to be an Act of the Legislature which has been reserved for the consideration of the President and assented to by him;

(b) for the purposes of section 38 relating to the effect of an Act of the Legislature of Karbi Dimanchal which is repugnant to an Act of the Legislature of the State of Assam or an existing law with respect to a matter enumerated in Part C of the Second Schedule, an Ordinance promulgated under this section on the advice of the Chief Minister of Assam shall be deemed to be an Act of the Legislature which has been assented to on the advice of the Chief Minister.

PART IV

FINANCIAL PROVISIONS

Consolidated
Fund.

53. (1) Subject to the provisions of section 54, all revenue received by the Government of Karbi Dimanchal, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of

loans shall form one consolidated fund to be entitled "the Consolidated Fund of Karbi Dimanchal".

(2) All other public moneys received by or on behalf of the Government of Karbi Dimanchal shall be credited to the public account of Karbi Dimanchal.

(3) No moneys out of the Consolidated Fund of Karbi Dimanchal shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Act.

Contingency
Fund.

54. The Legislature of Karbi Dimanchal may, by law, establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of Karbi Dimanchal" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Karbi Dimanchal by law under section 47 or section 48.

Custody of
suitors'
deposits and
other moneys
received by
public servants
and courts.

55. All moneys received by or deposited with—

(a) any officer employed in connection with the affairs of Karbi Dimanchal in his capacity as such, other than revenues or public moneys raised or received by the Government of Karbi Dimanchal, or

(b) any court within Karbi Dimanchal to the credit of any cause, matter, account or persons,

shall be paid into the public account of Karbi Dimanchal.

Custody, etc.,
of
Consolidated
Fund,
Contingency
Fund and
moneys
credited to the
public
accounts.

56. The custody of the Consolidated Fund and the Contingency Fund of Karbi Dimanchal, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of Karbi Dimanchal, their payment into the public account of Karbi Dimanchal and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of Karbi Dimanchal, and, until provision in that behalf is so made, shall be regulated by rules made by the Governor.

Certain taxes
levied by
Assam to be
appropriated
by Karbi
Dimanchal.

57. (1) Notwithstanding anything contained in this Act, any tax on the consumption or sale of electricity relatable to entry 53 in the State List in the Seventh Schedule to the Constitution, and any tax on the sale or purchase of goods relatable to entry 54 in the said List levied by the Government of Assam shall be collected within Karbi Dimanchal, and the proceeds in any financial year of any such tax leviable within Karbi Dimanchal shall not form part of the Consolidated Fund of Assam, but shall form part of the Consolidated Fund of Karbi Dimanchal.

(2) Where a tax relatable to entry 54 in the State List aforesaid levied by the Government of Assam is collected by that Government at the first point of sale or purchase of goods, such portion of the tax so collected as may be agreed upon by the Governments of Assam and Karbi Dimanchal or in default of such agreement, as the Central Government may determine shall be payable to Karbi Dimanchal.

(3) The laws with respect to the taxes referred to in sub-section (1) shall have effect subject to such exceptions and modifications as the Central Government, may, by order, specify for the purpose of giving effect to the provisions of that sub-section.

Distribution of
revenues.

58. (1) The grants-in-aid under clause (1) of article 275 and the share of the taxes on income, the distributable Union duties of excise, the additional duties of excise on goods of special importance and estate duty payable to the State of Assam under the Constitution (Distribution of Revenues) Order, 1969, the Union 'Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Estate Duty (Distribution) Act, 1962, shall be construed, as from the appointed day, as payable to the

State of Assam and the Autonomous State of Karbi Dimanchal in such proportion as the President may, by order, determine.

(2) Every order made by the President under sub-section (1) shall be laid before Parliament as soon as may be after it is made.

Authorisation of expenditure pending its sanction by Legislative Assembly.

59. The Governor may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of Karbi Dimanchal as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of that expenditure by the Legislative Assembly:

Provided that the Governor may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of Karbi Dimanchal for any period not extending beyond the said period of six months.

PART V

ASSETS AND LIABILITIES

Apportionment of assets and liabilities.

60. The assets and liabilities of the State of Assam immediately before the appointed day shall be apportioned between that State and Karbi Dimanchal in accordance with the provisions contained in the Third Schedule.

PART VI

ADMINISTRATIVE RELATIONS

Obligation of Karbi Dimanchal, the State of Assam and the Union.

61. The executive power of Karbi Dimanchal shall be so exercised as to ensure compliance with the laws made by Parliament, the Legislature of the State of Assam and any existing laws which apply in Karbi Dimanchal, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Karbi Dimanchal as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Control over the autonomous state in certain cases.

62. The executive power of Karbi Dimanchal shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Karbi Dimanchal as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Entrustment of functions.

63. Notwithstanding anything in this Act,—

(a) The Government of Assam may, with the consent of the Government of Karbi Dimanchal, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends;

(b) the Government of Karbi Dimanchal may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Karbi Dimanchal extends.

PART VII

TRANSITIONAL PROVISIONS

Provisions as to provisional Legislative Assembly.

64. (1) Until the Legislative Assembly of Karbi Dimanchal has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty five and not more than fifty five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in sub-section (2).

(2) Subject to the provisions of sub-section (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely:—

(a) there shall be an electoral college for each autonomous district within Karbi Dimanchal which shall consist of the elected members of the District Council thereof, and each electoral college shall elect such number of persons to the Provisional Legislative Assembly as the President may, after consultation with the Election Commission, by order, determine;

(b) the election of members of the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government to represent any unrepresented communities in Karbi Dimanchal which, in its opinion, need representation in the Assembly.

(4) No person shall be qualified to be chosen as a member of the Provisional Legislative Assembly unless he is a person whose name is for the time being entered in the electoral roll for so much of any constituency of the Legislative Assembly of Assam as is comprised within Karbi Dimanchal and is not less than twenty-five years of age.

(5) If owing to death, resignation or otherwise, the office of a member of the Provisional Legislative Assembly falls vacant, it may be filled up as soon as practicable under and in accordance with the foregoing provisions of this section.

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

(7) The election by the electoral college under this section shall not be called in question on the ground merely of the existence of a vacancy in the membership of any District Council forming part of the electoral college.

(8) The Provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act, and accordingly the provisions of Part III shall, so far as may be, apply in relation to the Provisional Legislative Assembly as they apply in relation to the Legislative Assembly.

PART VIII

MISCELLANEOUS PROVISIONS

65. The Central Government may, in consultation with the Governments of Assam and Karbi Dimanchal, by order, constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest with respect to Diphu and Haflong in the field of education and water supply in particular, and with respect to its development and administration in general.

Special committee for development of Diphu and Haflong.

66. All courts and tribunals and all authorities discharging lawful functions throughout Karbi Dimanchal or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent authority, continue to exercise their respective functions.

Provisions as to continuance of courts.

67. (1) Every person who being a member of All India Service is for the time being borne on the Assam State Cadre of that service or is otherwise serving in connection with the affairs of the State of Assam as a member of Class I service of that State may be required by

Provisions relating to services.

the Government of that State to serve in connection with the affairs of Karbi Dimanchal for such period or periods as the Government of Assam may, by order, direct:

Provided that no such order shall be made—

(a) before the appointed day, except with the approval of the Central Government; and

(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Karbi Dimanchal.

(2) Subject to any general or special order which the Central Government may make in this behalf, the control over any such person as it referred to in sub-section (1) shall, for so long as he is required to serve in connection with the affairs of Karbi Dimanchal, be vested in the Government of Karbi Dimanchal.

(3) Such persons serving in connection with the affairs of the State of Assam immediately before the appointed day, not being a person referred to in sub-section (1), as may be determined by agreement between the Government of Assam and the Government of Karbi Dimanchal or in default of agreement, by the Central Government, may, notwithstanding anything in the terms of their appointments or their conditions of service, be required to serve in connection with the affairs of the Autonomous State.

(4) All previous service rendered by a person referred to in sub-section (3) in connection with the affairs of the State of Assam shall be deemed to have been rendered in connection with the affairs of the Autonomous State for the purposes of the rules regulating his conditions of service.

(5) Nothing in sub-sections (3) and (4) shall be deemed to affect the power of the Legislature of Karbi Dimanchal or the Governor to determine the conditions of service of persons serving in connection with the affairs of Karbi Dimanchal:

Provided that the conditions of service applicable immediately before the appointed day to any person referred to in sub-section (3) shall not be varied to his disadvantage except with the previous approval of the Government of Assam.

Continuance
of existing
laws and their
adaptations.

68. (1) All laws in force immediately before the appointed day in the Autonomous State shall continue to be in force therein until altered, repealed or amended by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the Autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Karbi Dimanchal, and, as respects any other law, the Government of Assam.

Autonomous
State to be a
state for
certain
purposes of
the
Constitution.

69. Subject to the other provisions contained in this Act, reference to a State (by whatever form of words) in any of the following articles of the Constitution shall be construed as including a reference to the Autonomous State, namely

Articles 12 to 15 (inclusive), 16 (except clause (3) thereof) 18, 19, 23, 25, 28 to 31 (inclusive), 31A, 34 to 51 (inclusive), 58, 59, 66, 73, 102, 110(1)(f); 131, 138, 149, 150, 151, 161, 209, 210, 233, 234, 235, 237, 251, 252, 256 to 258A (inclusive), 261, 262, 263, 268, 269, 270, 272, 274 to 280 (inclusive), 282, 288, 289, 293, 296, 298 to 305 (inclusive), 308 to 311 (inclusive), 320,

323 (2), 324 to 329 (inclusive), 339 to 342 (inclusive), 345 to 348 (inclusive) 350, 350A, 350B, 353, 355 to 358 (inclusive), 360, 361, 364 to 367 (inclusive).

Explanation.—Reference in any of the articles above specified to the High Court or to the State Public Service Commission shall be construed as reference to the High Court of Assam or the Public Service Commission of the State of Assam, as the case may be.

70. (1) The executive power which the Government of Assam may exercise under article 298 in Karbi Dimanchal for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of the State of Assam may make laws, be subject to legislation by the Legislature of Karbi Dimanchal.

Power of Governments of Assam and Karbi Dimanchal to carry on trade, etc. in Karbi Dimanchal.

(2) The executive power which the Government of Karbi Dimanchal may exercise under article 298 in Karbi Dimanchal for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of Karbi Dimanchal may make laws, be subject also to legislation by the Legislature of the state of Assam.

71. Where a Proclamation is issued under article 356 in respect of Karbi Dimanchal, the President may, by the same Proclamation or a subsequent Proclamation varying it, suspend also, in whole or in part, the operation of any of the provisions of this Act.

Power to suspend provisions of this act in case of failure of Constitutional machinery.

72. Without prejudice to the provisions of sections 68 and 73 the Central Government may, after consulting the Government of Assam by notification in the Official Gazette, declare that any reference to a "State" in a Central Act specified in the notification shall, in its application to Karbi Dimanchal, be construed as a reference to the whole or any part of Karbi Dimanchal and any reference to "State Government" in a Central Act specified in the notification shall in its application to Karbi Dimanchal be construed as a reference to the Central Government.

Construction of reference to "State" and "State government" in other laws in relation to Karbi Dimanchal.

73. Notwithstanding that no provision or insufficient provision has been made under section 68 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the Autonomous State, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Power to construe laws.

74. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of provisions of act inconsistent with other laws.

75. (1) If any difficulty arises in giving effect to the provisions of this Act, the President, may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Power to remove difficulties.

(2) Every order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

76. The Sixth Schedule in the Constitution shall stand amended as specified in the Fourth Schedule.

Amendment of the Sixth Schedule.

Amendment
of Act 2 of
1934.

77. In section 21A of the Reserve Bank of India Act, 1934 in sub-section (1), after words "any State", the brackets and words "(including the Autonomous State of Karbi Dimanchal)" shall be inserted.

Amendment
of Act 37 of
1956.

78. In section 16 of the State Reorganisation Act 1956, in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) in the case of the Eastern Zone,—

(i) The Chief Minister and another Minister of the Autonomous State of Karbi Dimanchal to be nominated by the Governor of Assam and if there is no Council of Ministers therein, not more than two members from the Autonomous State of Karbi Dimanchal to be nominated by the President; and

(ii) the person for the time being holding the office of the Adviser to the Governor of Assam for Tribal areas."

Power to
make Rules.

79. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 244A of the Constitution was inserted by the Constitution (Twenty-Second) Amendment Act, 1969 to enable Parliament to enact a law to give effect to the scheme for reorganisation of the State of Assam by forming within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas, specified in Part-I of the table appended to Paragraph 20 of the Sixth Schedule. The present Bill has been brought forward in pursuance of this article and seeks to establish an autonomous State to be known as 'Karbi Dimanchal Autonomous State' within the State of Assam. As envisaged in the re-organisation scheme, 'Karbi Dimanchal Autonomous State' will comprise the areas now forming part of the Karbi Anglong and North Cachar Hills (now Dima Hasao) as defined in the substantive Part 1 of Paragraph 20 of the Sixth Schedule. The legislative powers of 'Karbi Dimanchal Autonomous State' have been set out in the second schedule to the Bill and subject to the provisions of the Bill, the executive powers of 'Karbi Dimanchal Autonomous State' will extend to matters with respect to which the legislature of 'Karbi Dimanchal Autonomous State', delimitation of constituencies, elections to the Assembly and its procedure, Council of Ministers for 'Karbi Dimanchal Autonomous State', administrative relations between the Government of Assam and 'Karbi Dimanchal Autonomous State' and between the Central Government and the Government of 'Karbi Dimanchal Autonomous State'. Provision has also been made for transferring to 'Karbi Dimanchal Autonomous State' such assets and liabilities of the Assam Government in the 'Karbi Dimanchal Autonomous State' area as are relatable to matters which fall within the purview of the Autonomous State.

Provision has also been made in the Bill for the constitution of a provisional legislative Assembly for 'Karbi Dimanchal Autonomous State' pending general elections to the Assembly. In order to dovetail the scheme of the Bill with the main provisions of the Constitution, the Autonomous State will be treated as a State for certain provisions of the Constitution specified in clause 69 of the Bill.

As indicated in the re-organisation scheme, the Fourth Schedule to the Bill contains provisions for the amendment of the Sixth Schedule to the Constitution in order to improve the procedures of the District Councils and make them function effectively.

Hence this Bill.

NEW DELHI;
November 23, 2015.

BIREN SINGH ENGTI

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 (1), 274 (1)
AND 117 (3) OF THE CONSTITUTION

[Copy of letter No. 11012/206/2015-NE.IV dated 27 April, 2016 from Shri Kiren Rijiju, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Assam Reorganisation (Karbi Dimanchal) Bill, 2016 by Shri Biren Singh Engti, Member of Parliament, has recommended under articles 117(1) and 274 (1) for introduction and under article 117(3) of the Constitution for consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for constitution of Council of Ministers for State of Karbi Dimanchal. Clause 11 provides for constitution of Legislature for State of Karbi Dimanchal. Clauses 7, 23 and 34 provides for payment of salaries and allowances to the Ministers, Speaker and Deputy Speaker and members of the Legislative Assembly. Clause 12 seeks to empower the Election Commission to delimit the territorial constituencies for elections to the Legislative Assembly of Karbi Dimanchal. It also provides for appointment of not more than five associate members to assist the Election Commission in delimiting the constituencies. Clause 17 provides for elections to the Legislative Assembly of Karbi Dimanchal being held in accordance with the provisions of the Representation of the People Act, 1951. Clause 25 provides for a separate secretarial staff for the Legislative Assembly. Clause 64 provides for setting up of a Provisional Legislative Assembly. Clause 60 provides for apportionment of assets and liabilities of the State of Assam insofar as Karbi Dimanchal is concerned. Clause 65 provides for a special Committee for Diphu and Haflong being constituted for advising the two Governments on matters of common interest with respect to Diphu and Haflong. Under clause 69 Karbi Dimanchal is proposed to be treated as State for the purposes of articles 272, 275 and 282. Clause 78 provides for representation of Karbi Dimanchal on the Eastern Zonal Council. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of the State of Karbi Dimanchal and Consolidated Fund of India. At this stage, it is not possible to estimate the expenditure to be incurred from the Consolidated Fund of Karbi Dimanchal as the same may be estimated when the Karbi Dimanchal Government comes into existence. However, it is expected that a recurring expenditure of about rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore per annum is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Governor to make rules for the more convenient Transaction of Business of the Government of Karbi Dimanchal and for allocation among Ministers of the said Business. Clause 25 empowers the Governor to make, after consultation with the Speaker of the Legislative Assembly, rules regulating the recruitment and conditions of service of persons appointed to the Secretarial staff of the Legislative Assembly, pending enactment of law on the subject. Clause 49 empowers the Legislative Assembly of Karbi Dimanchal to make rules for regulating its own procedure and conduct of business. Clause 56 provides for rules regarding the custody, etc., of Consolidated Fund and Contingency Fund of Karbi Dimanchal being made by the Governor pending the enactment of legislation in this behalf. Clause 79 empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 147 OF 2016

A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Hamirpur in the State of Uttar Pradesh.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Hamirpur) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established a permanent Bench of the Supreme Court of India at Hamirpur and such number of Judges of the Supreme Court of India, as the Chief Justice of India may, with the approval of the President, from time to time nominate, shall sit at Hamirpur in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the State of Uttar Pradesh and in such other territories, as may be notified by the Central Government with the approval of the Chief Justice of India.

Establishment of a permanent bench of the Supreme Court at Hamirpur.

STATEMENT OF OBJECTS AND REASONS

The justice delivery system in our country is not only costly but time consuming as well. It becomes quite expensive and cumbersome for the people residing in far flung and rural areas of the country to have access to justice from the apex court. Hamirpur is one of the most backward region of the State of Uttar Pradesh and the people residing in the area have to move from pillar to post to get justice from the apex court of the country. In this process, there is substantial loss of both time and money. Life of human beings gets shattered. There is a heavy pendency of cases in the courts which is constantly on the rise.

As per the Constitution, the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President appoint.

This Bill seeks to establish a permanent bench of the Supreme Court of India at Hamirpur in the State of Uttar Pradesh to provide relief to the litigant public of the region by ensuring convenient and affordable justice.

Hence this Bill.

NEW DELHI;
February 9, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3)
OF THE CONSTITUTION

[Copy of letter No. K-15019/4/2016-US.I dated 5 May, 2016 from Shri D.V. Sadananda Gowda, Minister of Law and Justice of the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Supreme Court of India (Establishment of a Permanent Bench at Hamirpur) Bill, 2016 by Shri Kunwar Pushpendra Singh Chandel, M.P., recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of a permanent Bench of the Supreme Court of India at Hamirpur in the State of Uttar Pradesh. The Bill, therefore, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifteen crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees thirty crore is also likely to be involved.

BILL NO. 146 OF 2016

A Bill to provide for the establishment of Circuit Benches of the Supreme Court of India at Mumbai, Chennai and Kolkata.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Supreme Court of India (Establishment of Circuit Benches at Mumbai, Chennai and Kolkata) Act, 2016.

(2) It shall come into force on such date, not being later than three months from the date of assent of the President, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established a Circuit Bench of the Supreme Court of India—

(a) at Mumbai and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Mumbai on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Rajasthan, Gujarat, Maharashtra, Goa, Madhya Pradesh, Union Territories of Dadra and Nagar Haveli, and Daman and Diu and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India;

(b) at Chennai and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Chennai on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Andhra Pradesh, Odisha, Kerala, Karnataka, Tamil Nadu, Union Territories of Puducherry and Lakshadweep and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India; and

(c) at Kolkata and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Kolkata on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, the Union Territory of Andaman and Nicobar Islands and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India.

Establishment
of Circuit
Benches of
the Supreme
Court of India
at Mumbai,
Chennai and
Kolkata.

STATEMENT OF OBJECTS AND REASONS

Law Commissions of India have examined the proposal of creation of regional Benches of the Supreme Court of India on several occasions. Law Commissions in its 2nd, 6th, 15th, 20th, 26th, 29th and the 95th reports as well as Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in their 20th (2007), 26th (2008) and 28th (2008) reports have continuously and vigorously emphasised on the setting up Benches of Supreme Court of India at least on a trial basis.

Moreover, Law Commission of India in its 229th Report had observed that "The agonies of a litigant coming to New Delhi from distant places like Chennai, Thiruvananthapuram, Puducherry in the South, Gujarat, Maharashtra, Goa in the West, Assam or other States in the East to attend a case in the Supreme Court can be imagined; huge amount is spent on travel; bringing one's own lawyer who has handled the matter in the High Court adds to the cost; adjournment becomes prohibitive; costs get multiplied".

The proposal, however, has not found favour with the Supreme Court. So the need is to address the major issues raised against this proposal.

First issue against setting up of regional Benches of the Supreme Court has been whether the Parliament of India has the jurisdiction to pass such a Bill. Article 130 of the Constitution clearly states that the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint. Therefore, passing a Bill in that direction with the assent of the President of India will help in implementing the constitutional provision and will not go against it.

Second issue has been about shortage of Judges. The Bill proposes just five judges, that too on a rotational basis, at each of the permanent Benches. The benefits of this clearly overrides any impact at Supreme Court at Delhi, since the number of cases will also get transferred in a proportional manner to the Benches.

Lastly, some experts feel that this could have an adverse impact on the constitutional superiority of the Supreme Court. Nothing could be farther from the truth as the increase in the faith of a common person that justice is tenable without travel across thousands of kilometres would, any day, be much larger than any minor adjustment that the clerical processes need to undertake in the short term.

The time has come for the Parliament to pass the Bill which ensures the accessibility to justice irrespective of one's distance from Delhi and also for the Supreme Court to favour this progressive legislation.

Hence this Bill.

NEW DELHI;
February 10, 2016.

RAJEEV SATAV

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3)
OF THE CONSTITUTION

[Copy of letter No. K-15019/6/2016-US.I dated 5 May, 2016 from Shri D.V. Sadananda Gowda, Minister of Law and Justice to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Supreme Court of India (Establishment of Circuit Benches at Mumbai, Chennai and Kolkata) Bill, 2016 by Shri Rajeev Satav, M.P., recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of Circuit Benches of the Supreme Court at Mumbai, Chennai and Kolkata. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of about rupees five crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees eighty crores is also likely to be involved.

BILL NO. 203 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 243Q.

2. In article 243Q of the Constitution, in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely—

"(d) a Metropolitan Authority for Metropolitan areas comprising one of more whole districts with a population of more than ten lakh,".

3. In article 243R of the Constitution,—Amendment of
article 243R.

(a) in clause (2),—

"(i) in sub-clause (a), for existing proviso, the following proviso shall be substituted, namely:—

"Provided that the persons, members and Chairpersons referred to in paragraphs (i) to (iv) shall not have the right to vote in the meetings of the Municipality.";

(ii) sub-clause (b) shall be omitted.

(b) after clause (2), the following clauses shall be inserted, namely:—

"(3) The Chairperson of a Municipality to be known as Mayor shall be chosen by direct election by electors of the territorial constituencies of a Municipal area, to be held in such manner as the Legislature of a State may, by law, provide.

(4) The term of the office of the Mayor shall be co-terminus with the term of the Municipality.

(5) There shall be constituted by the Mayor, within a period of thirty days of entering into office, a Mayor-in-Council for a Municipal Corporation or Metropolitan Authority, as the case may be.

(6) The Mayor-in-Council shall consist of the Mayor and other members to be nominated by the Mayor from amongst the directly elected members of the Municipal Corporation or the Metropolitan Authority, as the case may be.

(7) The members of the Mayor-in-Council (excluding the Mayor) shall not exceed fifteen per cent. of the total number of directly elected members of the Municipal Corporation or the Metropolitan Authority, as the case may be, or fifteen members, whichever is higher.

(8) The Mayor-in-Council shall exercise such powers and perform such functions as may be assigned to it by the Mayor.

(9) A member of the Mayor-in-Council shall hold office as long as he is a member of the Municipal Corporation or the Metropolitan Authority, as the case may be, unless he resigns or is removed from office by the Mayor by order in writing."

4. In article 243S of the Constitution,—Amendment of
article 243S.

(a) for clause (1), the following clause shall be substituted, namely:—

"(1) There shall be constituted, within two years from the commencement of this Act, a Ward Committee for every ward within the territorial area of a Municipality having a population of one lakh or more.";

(b) in clause (3), for the words "Wards Committee", the words "Ward Committee" shall be substituted; and

(c) clause (4) shall be omitted;

5. After article 243S of the Constitution, the following article shall be inserted, namely:—Insertion of
new article
243SA.

"243SA. (1) The Mayor of every Municipality shall constitute Area Sabhas, consisting of one or more polling booths but not exceeding five, with all voters registered at the polling booth as its members and shall provide for the purposes of the Area Sabhas.

Constitution
of Area Sabhas
for one or
more polling
booths.

(2) The Chairperson of an Area Sabha shall be directly elected by members of an Area sabha in such manner as the Mayor may, by order, specify.

(3) The Mayor of a Metropolitan Authority shall constitute Zonal Committees for that Metropolitan Authority, consisting of two or more contiguous wards and shall provide for—

(a) the manner of determining the area of jurisdiction of each Zonal Committee having regard to the population of the area, the density of the population therein and such other factors as he may deem fit;

(b) membership to Zonal Committee of persons having special knowledge or experience in Municipal administration or of such other persons as he may deem fit:

Provided that not less than two-thirds of the members of such Committee shall be elected members of the Metropolitan Authority from wards within that Committee; and

(c) the purposes of the Zonal Committees;

(4) The Chairperson of the Zonal Committee shall be elected from amongst the elected members of the Metropolitan Authority in such manner, as the Mayor may, by order, specify.

Amendment
of article
243V.

6. In article 243V of the Constitution,—

(a) in clause (1), for the words "a member of a Municipality", the words "a member of a Municipality or a Mayor" shall be substituted.

(b) in clause (2), for the words "for the decision of such authority and", the words "for the decision of the Governor" shall be substituted.

(c) after clause (2), the following proviso shall be added at the end, namely:—

"Provided that the Governor shall, before giving any decision on any such question, obtain the opinion of the State Election Commission and act according to such opinion."

Amendment
of article
243W.

7. In article 243W of the Constitution,—

(a) for the words "the Legislature of a State may, by law", the words "the Legislature of a State shall, by law" shall be substituted;

(b) in clause (a),

(i) for the words "subject to such conditions as may be specified therein, with respect to", the words "including but not limited to" shall be substituted;

(ii) after para (ii), the following proviso shall be inserted, namely:—

"Provided that the Legislature of a State shall, within two years from the commencement of this Act, devolve all powers and responsibilities in relation to the matters listed in the Twelfth Schedule;

(c) after clause (b), the following proviso and new clause shall be added, namely:—

"Provided that the Chairpersons of the Committees shall communicate all decisions, information and reports in relation to the matters listed in the Twelfth Schedule to the Mayor of the Municipality concerned and act in consultation with the Mayor;

(c) individuals or body corporates or associations or bodies of individuals, with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them in relation to the matters listed in the Twelfth Schedule:

Provided that such individual or body corporate or association or body of individuals shall communicate and report all decisions, information and reports in relation to the matters listed in the Twelfth Schedule to the Mayor of the Municipality concerned and act in consultation with the Mayor."

8. After article 243W of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
243WA.

"243WA. (1) The Mayor of a Municipality shall —

Mayor of
Municipality.

(a) be the executive head of the Municipality and the municipal administration shall be under his control;

(b) convene and preside over any meeting of the members of a Municipality;

(c) exercise such powers and discharge such duties of the Municipality as the Legislature of a State may, by law, confer upon him;

(d) exercise overall supervision over the working of the Municipality; and

(e) co-ordinate the functions of the Municipality and the Committees thereof.

(2) The Mayor shall have the following powers, namely:—

(a) the Mayor shall give such directions and orders as may be necessary for the efficient management and development of his Municipality, including directions or orders to implement any resolution of the Municipality or Committees:

Provided that the Mayor of a Metropolitan Authority shall also give such directions and orders as may be necessary for inter-agency co-ordination, management of Metropolitan services and pan Metropolitan governance;

(b) the Mayor shall exercise administrative powers to implement the provisions of any law made by the Legislature of a State relating to the Municipality;

(c) the Mayor shall supervise the acts done by the officers and employees of the Municipality;

(d) the Mayor shall authorise the payment and repayment of money relating to the Municipality;

(e) the Mayor shall appoint employees to execute the functions of the Municipality and may suspend from service any such employee in such manner as the Legislature of a State may, by law, provide;

(f) the Mayor may call for from Chairpersons of Committees constituted under article 243S, article 243ZD and article 243ZE or any other officer under the Municipality, any file and record in writing relating to the administration of the affairs of the Municipality concerned and issue appropriate directions and orders;

(g) the Mayor may, if he is of the opinion that immediate execution of any work is necessary, direct the execution of such work without the approval of the Members of a Municipality in such manner as the Legislature of a State may, by law, provide;

(h) the Mayor may veto any resolution passed by a Municipality, if in his opinion such resolution is in excess of the powers conferred on the Municipality under this Part or by any law made by the Legislature of a State or is likely to endanger public health or safety; and

(i) the Mayor shall exercise such other powers and perform such other related functions as may be conferred upon or entrusted to him by law made by the Legislature of a State;

Substitution of new article for article 243X.

Power to impose taxes by and Funds of, the Municipalities.

9. For article 243X of the constitution, the following article shall be substituted, namely:—

"243X. The Legislature of a State shall, on the recommendations of the State Finance Commission, by law,—

(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees to enable it to discharge its responsibilities as specified in article 243W in accordance with such procedure and subject to such reasonable limits;

(b) assign to a Municipality such percentage of the net proceeds of taxes, duties, tolls and fees levied and collected by the State Government and such other sums from the Consolidated Fund of the State, as may be necessary to enable it to discharge its responsibilities as specified in article 243W subject to such reasonable conditions and limits;

(c) provide to such Municipalities as the Legislature of the State may determine to be in need of assistance such annual grants-in-aid from the Consolidated Fund of the State;

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom;

(e) authorise a Municipality to borrow from within the territory of India such reasonable sums,

as may be specified in the law."

Amendment of article 243Y.

10. In article 243Y of the Constitution,—

(a) in clause (1),—

(i) for sub-clause (a), the following sub-clause shall be substituted, namely:—

"(a) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State and such other sums from the Consolidated Fund of the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;"

(ii) after clause (c), the following clauses shall be inserted, namely:—

"(d) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;

(e) the principles which should govern the grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(f) the determination of the limits of borrowings of the Municipalities."

(b) in clause (2), the following proviso shall be added at the end, namely:—

"Provided that the explanatory memorandum shall be laid before the legislature of the State within six months from the date of submission of the recommendations by Commission to the Governor."

Amendment of article 243ZD.

11. In article 243ZD of the Constitution,—

(a) for clause (I), the following clause shall be substituted, namely:—

"(I) Except for Metropolitan areas under article 243ZE, there shall be constituted, within two years from the commencement of this Act, in every district in every State a District Planning Committee to consolidate any plans

prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(b) in clause (2), for sub-clause (d), the following sub-clause shall be substituted, namely:—

"(d) the manner in which the Chairpersons of such Committees, who shall be Chairpersons of Panchayats or Mayor, shall be chosen.";

(c) after clause (4), the following clause shall be inserted, namely:—

"(5) The State Government shall cause the development plan, as recommended by District Planning Committee, together with an explanatory memorandum as to the action taken thereon, to be laid before the Legislature of the State within six months from the date of submission of such plan to the State Government."

12. After article 243ZE of the Constitution,—

Amendment of
article 243E.

(a) for clause (1), the following clauses shall be substituted, namely:—

"(1) There shall be constituted, within two years of the coming into force of this Act, in every Metropolitan Area under a Metropolitan Authority, a Metropolitan Planning Committee to prepare a draft development plan for the metropolitan area as a whole.

(1A) The Major of the Metropolitan authority shall be the Chairperson of the Metropolitan Planning Committee.";

(b) in clause (2),—

(i) sub-clause (b), the following sub-clause shall be substituted, namely:—

"(b) the manner in which the seats in such committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Metropolitan Authority.

(ii) sub-clause (e) shall be omitted; and

(c) in clause (3), for the words "(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area", the words "any plan prepared by the Zonal Committees in the Metropolitan Areas" shall be substituted; and

(d) after clause (4), the following clause shall be inserted, namely:—

"(5) The State Government shall cause the development plan, as recommended by such Committee, together with an explanatory memorandum as to the action taken thereon, to be laid before the Legislature of the State within six months from the date of submission of such plan to the State Government."

13. After article 243ZG of the Constitution, the following article shall be added at the end, namely:—

Insertion of
new article
243ZH.

"243ZH. Notwithstanding anything in this Part, any provision of any law relating to Municipalities or Municipal governance in force in any State immediately before the commencement of this Act, which is inconsistent with the provisions of the Constitution, as amended by this Act, shall continue to be in force until amended or repealed by a competent Legislature of other competent authority or until the expiration of one year from such commencement, whichever is earlier."

Continuance of
existing laws.

Amendment of
the Twelfth
Schedule.

14. In the Twelfth Schedule to the Constitution, after entry 18, the following entries shall be inserted, namely:—

"19. Public transportation including roads, links, tolls and traffic management.

20. Promotion of information technology, internet connectivity and broadband links."

STATEMENT OF OBJECTS AND REASONS

Almost twenty five years after the passage of the Seventy Fourth Amendment to the Constitution, our Municipal Bodies are yet to be fully empowered, both politically as well as functionally.

Fragmented leadership across State Governments, MLAs, Mayors and the City Councils with the resultant fragmentation of service delivery across civic agencies is hurting our cities and citizens. Decentralisation of governance is a national priority so as to enable our cities to achieve their fullest social and economic potential and provide the highest quality of life our citizens deserve. A directly elected Mayor, at the head of the Municipal Body, will be fully empowered with political, functional, and budgetary autonomy and would serve to fix both ownership and accountability for running the town or city. This is the need of the hour.

Moreover, the functions to be devolved to Municipal Bodies with regard to subjects contained in the Twelfth Schedule, have not yet been devolved to elected Local Governments and are currently being undertaken by the departments of State Governments. This directly undermines responsible local self-government.

A constitutional provision to mandatorily devolve such functions in a time bound manner is essential to make effective the institutions of Local Government. It is in this context that the relevant articles of the Constitution are proposed to be amended so as to make it mandatory for State Legislatures to enact laws aimed at conferring Municipal Bodies with such powers and authority as may be necessary to enable them to function as Institutions of Local Government. It is also proposed to strengthen provisions relating to metropolitan governance and constitution of Ward Committees.

Therefore, this Bill.

NEW DELHI;
July 5, 2016

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for election of the Mayor, constitution of Mayor-in-Council for Municipal Corporation or Metropolitan Authority. Clause 4 provides for constitution of the Ward Committees for every ward within territorial area of a Municipality having population of one lakh or more. Clause 5 provides for constitution of Areas Sabhas consisting of one or more polling booths and the Zonal Committees for Metropolitan Authority. The expenditure relating to States shall be borne out of the Consolidated Funds of the States concerned. However, the expenditure in relation to Union territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The Bill, therefore, if enacted, would involve a recurring expenditure of about rupees six hundred and twenty crore per annum.

A non-recurring expenditure of about rupees one hundred and twenty five crore is also likely to be involved.

BILL NO. 204 OF 2016

A Bill to provide for the welfare, protection and security of domestic workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

- | | |
|--|--|
| <p>1. (1) This Act may be called the Domestic Workers' Welfare Act, 2016.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> | <p>Short title,
extent and
commencement.</p> |
| <p>2. In this Act unless the context otherwise requires,—</p> <p>(a) 'appropriate Government' means in the case of a State or a Union Territory having legislature, the concerned State Government or the Union Territory Government, as the case may be, and in all other cases, the Central Government;</p> <p>(b) 'child' means a person who has not attained the age of eighteen years;</p> | <p>Definitions.</p> |

(c) 'District Board' means the district board constituted under section 16;

(d) 'domestic work' means work performed in or for a private household(s) and includes cooking, cleaning, housekeeping, driving, gardening, childcare, and old-age care, but does not include work related to businesses run from private households;

(e) 'domestic worker' means a person employed to do domestic work for remuneration, whether in cash or in kind, for one or more employers by staying at the household premises or otherwise and includes casual, temporary, contractual, or migrant workers;

(f) 'employer' means a person living in a private household, who has employed a domestic worker, either directly or otherwise for remuneration for doing domestic work;

(g) 'minor domestic worker' means a domestic worker who is above the age of sixteen years but below the age of eighteen years and has completed compulsory elementary education;

(h) 'National Board' means the National Social Security Board for unorganised workers constituted under section 5 of the Unorganised Workers' Social Security Act, 2008;

33 of 2008.

(i) 'placement agency' means any agency or bureau or contractor or person(s) or association, whether registered or otherwise, engaged in the placement of domestic workers with prospective employers and includes such agency or person offering such services through any print, electronic or any form of communication;

(j) 'prescribed' means prescribed by rules made under this Act;

(k) 'schedule' means the schedule annexed to this Act;

(l) 'State Board' means the (name of the State) State Social Security Board for unorganised workers constituted under section 6 of the Unorganised Workers' Social Security Act, 2008;

33 of 2008.

(m) 'wages' means all remunerations expressed in terms of money or capable of being so expressed which would be payable to a domestic worker in respect of domestic work done but does not include—

(i) the value of any house accommodation, supply of light, water, medical attendance, or any other amenity;

(ii) any contribution paid by the employer under any scheme of social insurance and the interest which may have accrued thereon;

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the domestic worker to defray special expenses entailed on him by the nature of his/her employment; and

(v) any compensation paid on discharge;

(n) 'workplace' means any household where a domestic worker works; and

(o) 'work hours' means the period for which a domestic worker remains at the disposal of the household for purposes related to domestic work.

CHAPTER II

RIGHTS OF DOMESTIC WORKERS

3. (1) Every domestic worker shall have the right to—

(a) work and earn livelihood, free from all forms of forced or compulsory labour;

(b) earn such minimum wages, as may be prescribed, including allowances for overtime;

(c) such decent working and living conditions, as may be prescribed, including reasonable working hours, periods of rest, annual paid leave and maternity leave, as the case may be;

(d) access to benefits under social security schemes of the appropriate Government;

(e) redressal of grievances through such appropriate mechanism as may be prescribed;

(f) organise and bargain collectively through associations, co-operatives, and/or union of workers;

(g) equal opportunities of employment and remuneration without discrimination based on gender, age, caste or any other criteria that may be deemed discriminatory by the court of law; and

(h) education and opportunities to participate in further education and vocational training for domestic workers under this Act, who are above the minimum age for domestic work and below the age of eighteen years.

8 of 1923.
30 of 1979.
4 of 1936.
53 of 1961.
11 of 1948.
25 of 1976.
34 of 1948.
19 of 1952.
39 of 1972.
33 of 2008.

4. Notwithstanding anything contained in any other law for the time being in force, relevant provisions of the Workmen's Compensation Act 1923, the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service Act 1979, the Payment of Wages Act, 1936, Maternity Benefit Act, 1961, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, the Employee's State Insurance Act, 1948, the Employees Provident Funds and Miscellaneous Provisions Act, 1952, the Payment of Gratuity Act, 1972 and the Unorganized Workers' Social Security Act, 2008 shall apply to domestic workers as they apply to workmen or employees, as the case may be, within the meaning of those Act.

Application of certain Acts to domestic workers.

CHAPTER III

REGULATION OF WORKING CONDITIONS

5. (1) The Appropriate Government shall—

(a) fix the minimum rate of wages payable to domestic workers on the basis of the needs of the domestic workers specified in the First Schedule;

(b) fix the minimum rate of wages which shall apply in substitution for the minimum rate which would otherwise be applicable, in respect of domestic work done by a domestic worker beyond work hours (hereinafter referred to as "overtime rate");

(c) review at such intervals as it may think fit, but not exceeding five years, the minimum rates of wages, if necessary.

(2) The appropriate Government may fix—

(a) minimum rate of wages by the hour or by the day or by the month;

(b) minimum rate of wages for urban and rural areas;

(c) minimum rate of wages for different kinds of domestic work;

(d) different minimum rates of wages for—

(i) full-time resident domestic workers;

(ii) part-time resident domestic workers;

(iii) full-time non-resident workers;

(iv) part-time non-resident workers:

Provided that no discrimination shall be made in the rates of wages paid to men, women, or minor domestic workers.

Fixation of minimum rate of wages.

Regulation of
work hours.

6. The appropriate Government shall—

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals:

Provided that work hours shall not exceed forty-eight hours per week;

(b) provide for one holiday per week; and

(c) provide for payment for domestic work on a day of rest at a rate not less than the overtime rate.

Paid leaves.

7. The appropriate Government shall fix the time period and minimum rate of wages for paid leaves and maternity leaves:

Provided that a domestic worker shall be entitled to fifteen days of paid leave in a year in addition to one holiday per week.

Compensation
for injury.

8. The appropriate Government shall formulate a criteria for determining the amount of compensation for any personal injury caused to a domestic worker by accident arising out of and in course of his employment:

Provided that the District Board shall apply the criteria for deciding the compensation amount after an enquiry.

Regulation by
the Central
Government.

9. The Central Government shall formulate and notify—

(a) minimum standards for decent conditions of work;

(b) schemes for benefit and welfare of domestic worker such as social security, health, insurance, education and other beneficial schemes in the Second Schedule:

Provided that the Central Government may, by notification, amend the Second Schedule, if it deems necessary.

(c) application of the provisions of this Act to any particular class of domestic workers and employers;

(d) appropriate strategies on elimination of any form of trafficking or forced or bonded or child labour.

Advise by
National
Board and
State Boards.

10. The National Board and the State Board shall advise the appropriate Government in matters related to this Act.

Duties of the
employer and
placement
agency.

11. (1) A placement agency shall—

(a) ensure registration with the appropriate Government and obtain a registration certificate, in such form as may be prescribed;

(b) provide for the registration of the employment agreement, engaged through the agency, to the appropriate Government, in such form as may be prescribed;

(c) ensure that fees charged on registration, etc. is not deducted from the remuneration of domestic workers; and

(d) maintain proper registers and records of domestic workers, placements of domestic workers, payments and terms of employment.

(2) As far as practicable, every employer shall—

(a) ensure decent living conditions of the domestic workers;

(b) provide for of such minimum wages, as may be prescribed, including allowances for overtime, to the domestic worker;

(c) engage the domestic worker for such work hours, as may be prescribed;

(d) allow a domestic worker to take rest, weekly holiday, and such paid leaves including maternity leave, as may be prescribed;

(e) provide education and vocational training for minor domestic workers;

(f) provide for education of children of resident domestic workers;

(g) provide for payment of compensation for any injury caused to a domestic worker by an accident arising out of and in course of his/her employment; and

(h) provide for registration of the employment agreement with domestic workers engaged directly to the appropriate government in such manner as may be prescribed.

12. No child shall be employed as a domestic worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force:

Prohibition of employment of a child.

Provided that a minor domestic worker may be employed if he has completed compulsory elementary education.

CHAPTER IV REGISTRATION

13. The appropriate Government shall—

(a) prescribe the details of the form that specifies the terms and conditions of the employment of a domestic worker, in accordance with the Third Schedule (hereinafter referred to as 'employment agreement');

Appropriate Government to prescribe the terms and conditions of registration of domestic workers.

(b) designate any one or more of the following at such areas as may be considered necessary, as Workers' Facilitation Centres for purposes of facilitating the filling and verification of employment agreements:

(i) local panchayati raj institutions or urban local bodies;

(ii) resident welfare associations/society;

(iii) non-profit organizations working among the domestic workers;

(c) prescribe the details of the form for the registration of a placement agency;

(d) maintain such registers and records giving particulars of placement agencies and such other particulars in such form as may be prescribed.

14. Every employer or the placement agency as the case may be, shall, within two months of the commencement of the employment of a domestic worker, register the employment agreement with the Appropriate Government, in such manner as may be prescribed:

Registration of employment agreement.

Provided that the Appropriate Government or any authorised person may register the employment agreement after the expiry of period of two months, if it is satisfied that the applicant had sufficient reason for not making the application in time.

(2) Notwithstanding anything contained in sub-section (1), where a domestic worker is engaged through a middleman or placement agency for domestic work in any household, it shall be the duty of such middleman or agency and not of the employer in whose household such domestic worker works, to register the employment agreement as per the procedure prescribed.

15. (1) Every Placement Agency shall make an application along with a prescribed fee and in such manner as may be prescribed to the appropriate Government for registration.

Registration of Placement Agencies.

(2) Every applicant who satisfies all conditions as may be prescribed, shall be provided with a registration number:

Provided that the placement agency shall renew its registration every five years on the payment of the fee as may be prescribed.

CHAPTER V

DISTRICT BOARDS

District
Boards.

16. (1) The appropriate Government shall, by notification in the Official Gazette, constitute a District Board in each of the districts for carrying out the purposes of this Act.

(2) The District Board shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The salary and allowances payable to and other terms and conditions of service of members and staff of the District Board shall be such as may be prescribed.

(4) The procedure to be followed by the District Board in the discharge of its functions and the manner of filling up of vacancies shall be such as may be prescribed.

Functions of
the Board.

17. The District Board shall—

(i) provide a helpline number for use of domestic workers for registering instance of contraventions of the provisions of this Act;

(ii) provide for registration of complaints, for complaints mod both in writing or orally;

(iii) facilitate the settlement of disputes through conciliation as per the procedure provided under this Act;

(iv) disseminate information on available social security schemes for the domestic workers;

(v) implement scheme or any welfare measures formulated by the Central Government, the appropriate Government, the National Board or the State Board for the welfare of domestic workers; and

(vi) undertake such other functions as may be prescribed.

Powers of the
District Board.

18. (1) Subject to any rules by the State Government in this behalf, an inspector appointed by the District Board shall, within the local limits, on a complaint received from a domestic worker or on a complaint against the placement agency—

(a) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act in relation to payment of wages, conditions of service, and welfare of workers, have been or are being complied within a place or premises of a domestic worker;

(b) examine any person found in any such workplace or premises for the purposes of determining compliance with the provisions of this Act;

(c) require any person giving out work to any worker, to give any information, which is in his/her power to give, with respect to the name and addresses of persons who give out work to the domestic worker and payments made or to be made for the work;

(d) require the production of any document, record or evidence whether written or oral;

(e) enter, with such assistance as it may consider necessary, at all times any place or premises if there are reasonable grounds for suspecting that any domestic worker has or is being subjected to any form of sexual exploitation or wrongfully confined in any such place or premises or rescue any child being employed as a domestic worker; and

(f) exercise such powers as may be prescribed.

(2) Every employer shall accord to the Board all reasonable facilities in the discharge its duties under this Act.

5 of 1908.

(3) Each District Board shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 while adjudicating a dispute in respect of the following matters, namely—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses; and
- (d) any other matter which may be prescribed.

19. (1) Where the District Board is of the opinion that a dispute exists or is apprehended it may at any time, by order in writing—

Reference of disputes.

(a) refer the dispute to a Civil or Labour Court for promoting a settlement there of; or

(b) refer any matter appearing to be connected with or relevant to the dispute to a Dispute Settlement Council constituted under the District Board for inquiry or for resolution of the dispute.

(2) No proceeding pending before a Civil or Labour Court or a Dispute Resolution Council in relation to a dispute shall lapse merely by reason of the death of any of the parties to the dispute being a domestic worker, and such Court or Council shall complete such proceedings and submit its award to the District Board.

1 of 1872.

20. In this Act, notwithstanding anything contained in the Indian Evidence Act, 1872, the burden of proof that compliance with the provisions of the Act have been effected will be entirely on the employer or the placement agency, as the case may be.

Rules of evidence.

CHAPTER VI

PENALTY AND PROCEDURE

21. (1) Any placement agency who contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend up to three months and with fine which shall not be less than two months wages of a domestic worker in accordance with the prevailing minimum rate of wages.

Offences and penalties.

(2) If any person who has been convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punished on a subsequent conviction with imprisonment for a term which may extend upto six months and with fine which shall not be less than two months wages of a domestic worker in accordance with the prevailing minimum rate of wages.

(3) Where an employer fails to comply with the provisions of this Act he shall be punished with fine which shall not be less than two months wages of a domestic worker in accordance with the prevailing minimum rate of wages.

(4) Whoever willfully obstructs any officer so authorised by the District Board to conduct inspection under the Act or refuses or willfully neglects to afford such officer any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to the employer or a placement agency to whom, this Act applies, shall be punished with imprisonment for a term which may extend up to three months and with fine which shall not be less than two months wages of a domestic worker in accordance with the prevailing minimum rate of wages.

(5) Whoever willfully refuses to produce on the demand of such an inspector so authorised by the District Board, any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reasons to believe is likely to prevent any person from appearing before or being examined by an inspecting person acting in pursuance of his/her duties under this Act, shall be punished with imprisonment for a term which may extend up to three months or with fine which shall not be less than two months wages of a domestic worker in accordance with the prevailing minimum rate of wages.

(6) Whoever—

(i) knowingly sends, directs or takes any child or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted or,

(ii) in any manner sexually exploits such woman or child or,

(iii) make available young children as domestic workers,

shall be punished in accordance with the provision of the Child Labour Prohibition (And Regulation) Act 1986, the Immoral Traffic (Prevention) Act, 1956, the Protection of Children from Sexual Offences Act, 2012, and Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal) Act, 2013, as the case may be, and such other Acts as may be prescribed.

6 of 1986.
104 of 1956.
32 of 2012.
14 of 2013.

Cognizance of offences.

22. (1) No court shall take cognizance of any offence punishable under this Act except on a complaint—

(a) made by, or with the previous sanction in writing of the District Board; or

(b) made by Office-bearer of a voluntary organization registered under the Societies Registration Act, 1860.

21 of 1860.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of first class shall try any offence punishable under this Act.

Limitation of prosecutions.

23. No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the District or State Board.

Certain contracts and agreements to be void.

24. Any contract or agreement, whether made before or after the commencement of this Act, whereby a domestic worker relinquishes any right conferred by or any concession or privilege accruing to him or her under this Act or any scheme, shall be void and of no effect in so far as it purports to deprive him or her of such right or privilege or concession.

CHAPTER VII MISCELLANEOUS

Central Government to provide adequate funds.

25. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for effective implementation of the provisions of this Act.

Effect of laws and agreements inconsistent with the Act.

26. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act.

(2) Nothing contained in this Act shall be construed as precluding any domestic worker of from entering into an agreement with the employer as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

Protection of action taken under Act.

27. (1) No suit, prosecution or other legal proceedings shall lie against any member of the District Board or any non-Governmental organization for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

Power to remove difficulties.

28. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

29. (1) The appropriate Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power of the appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be provided for all or any of the following matters, namely—

(a) the form and manner of notification of the minimum rate of wages, overtime rate, maximum work hours, periods of work and rest, paid leave and maternity leave applicable to a Domestic Worker;

(b) criteria for determining the amount of compensation for any personal injury caused to a Domestic Worker by accident arising out of and in course of his/her employment;

(c) the form and manner in which wages shall be paid to the Domestic Worker;

(d) establishment and regulation of Workers' Facilitation Centres;

(e) the manner and form of an employment agreement and its verification at the Workers' Facilitation Centres;

(f) the manner and form of registration of a Placement Agency including issuance of registration certificates and renewal of registration;

(g) the powers which may be conferred on the District Board, the Dispute Resolution Council, and the Inspector under the terms of this Act;

(h) the number of persons to be appointed on the District Board, the term of their office and other conditions of service, the appointment of the Chairperson, the procedure to be followed in the discharge of their functions and the manner of filling of casual vacancies.

(i) the notification of fines payable for offences and as penalties under the terms of this Act.

(j) Any matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by a State Government or a Union territory Government shall be laid, as soon as may be, after it is made, before the State Legislature.

THE FIRST SCHEDULE

*[See section 5(1)]***Needs of Domestic Workers**

1. Standard working class family should be taken to consist of three consumption units for one earner and the earnings of women, children and adolescents should be disregarded.
2. Minimum food requirements based on an acceptable net minimum intake of calories for urban and non-urban citizens, as the case may be.
3. Clothing.
4. Housing.
5. Fuel and Lighting.
6. Children's education.
7. Medical requirements.
8. Recreation including festivals and ceremonies.
9. Provisions for old age and marriage.

THE SECOND SCHEDULE

*[See section 9(b)]***Social Security Schemes for Domestic Workers**

S.No.	Name of the Scheme
1.	The Rashtriya Swasthya Bima Yojana.

THE THIRD SCHEDULE

*[See section 13]***Terms of an Employment Agreement**

1. The name and address of the employer, placement agency, if any, and Domestic Worker.
2. Registration number of the Domestic Worker as mentioned on the Registration Certificate.
3. The address of the usual workplace or workplaces.
4. The starting date and, where the contract is for a specified period of time, its duration.
5. The type of work to be performed.
6. The remuneration, method of payment and periodicity of payments.
7. The normal hours of work.
8. Paid annual leave, and daily and weekly rest periods.
9. The provision of food and accommodation, if applicable.
10. Terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

STATEMENT OF OBJECTS AND REASONS

A large number of domestic workers in India are uneducated, women and children. They are denied workers' compensation, weekly holidays, periods of rest, and minimum wages. Legislations and policies dealing with informal labour such as the Workmen's Compensation Act 1926, the Inter-State Migrant Workers Act 1976, the Payment of Wages Act 1936, the Maternity Benefit Act 1961, the Equal Remuneration Act 1976, the Employee's State Insurance Act, and the Unorganized Workers' Social Security Act 2008, have not been able to extend adequate protection to the domestic workers.

Additionally, domestic work contributes significantly to the economy and yet remains invisible and under reported. Domestic work is undervalued and many domestic workers are overworked, underpaid and insufficiently covered by social security measures.

Domestic work warrants particular attention and hence calls for inclusion in existing laws as well as a specific legislation to enable domestic workers to fully enjoy their rights and protection under the law as labourers.

The Parliament's authority to enact a legislation for the domestic workers arises from India's obligation to implement Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which India ratified in 1979, and which 'recognises the right of everyone to the enjoyment of just and favourable conditions of work, including equal pay for equal work and periodic holidays'. The Union List empowers the Centre to convert ratification of international treaties into a central legislation.

The proposed Bill seeks to guarantee certain rights to the domestic workers in accordance with international conventions on labour, which include:

- (a) right to earn and earn livelihood free from forced and compulsory labour
- (b) right to earn minimum wages
- (c) right to decent working and living conditions
- (d) right to address grievances in an appropriate manner
- (e) right to organize and bargain collectively
- (f) right to equal employment opportunities and remuneration

The Bill also seeks to regulate domestic work performed in private households of employers, in the form of multiple work arrangements such as work type, hourly basis, part time work, full time work, and live-in work. The Bill also proposes to regulate all placement agencies to protect workers from exploitation.

The Bill further recognises that many minors or persons below eighteen years of age, are engaged in domestic work and seeks to protect them appropriately. Accordingly, the minimum working age for domestic workers to be eighteen years but allows minor domestic workers, who are above sixteen years of age but below eighteen years of age, to be engaged in domestic work on completion of compulsory elementary education as prescribed under the Right of Children to Free and Compulsory Education Act, 2009.

Hence this Bill.

NEW DELHI;
July 5, 2016

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 16 of the Bill provides that appropriate Government shall constitute a District Board for carrying out the purposes of this Bill. Clause 25 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. At this stage it is not possible to give an exact estimate of expenditure to be incurred. However, it is estimated that recurring expenditure of about rupees One thousand crore would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees One hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 29 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of normal character.

BILL NO. 191 OF 2016

A Bill to provide special financial assistance to the backward and drought affected regions of Vidarbha and Marathwada for the purpose of all-round development of the regions and for ensuring the welfare of farmers, agricultural labourers, landless labourers, poor women, old aged persons and the unemployed youth and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the Backward Regions of Vidarbha and Marathwada Act, 2016.

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special
financial
assistance to
backward and
drought
affected
regions of
Vidarbha and
Marathwada.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may, by due appropriation provide, as special financial assistance to the backward and drought affected regions of Vidarbha and Marathwada to meet the costs of such schemes of development, as may be undertaken by the State of Maharashtra with the approval of the Government of India for the purpose of ensuring the welfare of farmers, farming labourers, landless labourers, poor women, old aged persons and the unemployed youth and for the development, proper utilization and exploitation of the resources in the State.

Act not in
derogation of
other laws.

3. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Vidarbha and Marathwada regions of Maharashtra State have been subjected to economic and social backwardness other than being riddled with the lack of water resources and drought related issues. Consequently, there has been a continuous rise in the number of suicides by farmers in these regions. Government reports indicate that the farmers are affected by drought in all the villages of Marathwada region and in many villages of Vidarbha. The real picture of these regions is such that in all the areas where drought situation is prevailing, the farmers are compelled to commit suicides and are forced to sell their land to usurers at throw-away prices. Their wards are being deprived of school education. Labourers are wandering about in cities in search of jobs. The farmers are concerned about the issue of cattle-fodder also. Lack of availability of clean potable water is also an issue in villages.

For the purpose of ensuring the welfare of farmers, agricultural labourers, landless labourers, poor women, old aged persons and the unemployed youth of these regions and for the development, exploitation and proper utilization of the State's resources, there is a need to quickly implement development schemes in these regions. Along with this, in order to meet the costs of various schemes to be undertaken by the Maharashtra State with the approval of the Government of India, there is a need for the provision of special financial assistance to Vidarbha and Marathwada backward regions.

Through such steps, issues being faced by these regions at present like lack of water resources and drought and economic backwardness can be addressed. This will go a long way in extending the prevalence of justice among people, reinforce national unity and strengthen good governance.

Hence this Bill.

NEW DELHI;
July 1, 2016.

RAJEEV SATAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of money out of the Consolidated Fund of India as Parliament may, by due appropriation provide as special financial assistance to backward and drought affected Vidarbha and Marathwada regions of the Maharashtra State. For the purpose of ensuring the welfare of farmers, agricultural labourers, landless labourers, poor women, old aged persons and the unemployed youth of these regions and for the development, exploitation and proper utilization of the State's resources, there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may, by appropriation provides as special financial assistance to the backward regions of Vidarbha and Marathwada to meet the costs of such schemes.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the amount to be disbursed as special financial assistance to Vidarbha and Marathwada regions by due appropriation of law by Parliament shall be determined after the schemes to be implemented by the State Government with the approval of the Central Government, at this stage, it is not possible to estimate the recurring expenditure to be incurred from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved in this behalf.

BILL NO. 200 OF 2016

A Bill to provide reservation for persons belonging to the other backward classes in private sector and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation for the Other Backward Classes in Private Sector Act, 2016.

Short title and extent.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “private sector” means any organisation or establishment which is owned purely by private individual or corporation or limited company or any organisation in which the Government of India or a State has no financial interest and wherein not less than fifty persons are employed; and

(b) “prescribed” means prescribed by rules made under this Act.

Government to encourage private sector to make provision for reservation.

3. (1) The Central Government shall give due encouragement to private sector to make provisions for reservation in favour of persons belonging to the Other Backward Classes in their organisation.

(2) The encouragement under sub-section (1) may include—

(i) special concessions under Central schemes; and

(ii) loans from nationalized banks at reduced rate of interest.

Annual Report.

4. The Central Government shall cause to be laid an annual report before both Houses of Parliament about the action taken under this Act.

Power to make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At present, reservation in services under the State is available to persons belonging to the Other Backward Classes. After economic liberalisation, the number of posts and appointments in government sector has come down. Today, private sector has become more pivotal and employment oriented. In such a scenario this sector has become more active in nation-building activities and infrastructure and economic projects. As a result of the lesser number of posts available for them, the persons belonging to Other Backward Classes are finding it hard to gain a foothold on the government jobs.

There are several schemes and special provisions in the country for the welfare of the people belonging to the Other Backward Classes. However, in spite of all these measures, there has not been any great and requisite change visible in their socio-economic status. In this situation, their presence is very vital in the largest sector of the country for putting a stop to their exploitation and to ensure their all-round development.

At present, there is no provision for reservation of persons belonging to Other Backward Classes in private sector. However, the Government also cannot exert pressure on them to provide reservation. In such a scenario, by providing concession and special schemes, the private sector can be encouraged to provide reservation to persons belonging to the Other Backward Classes.

Hence this Bill.

NEW DELHI;
July 1, 2016

RAJEEV SATAV

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

BILL NO. 206 OF 2016

A Bill to provide for compulsory teaching of agricultural education in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Agricultural Education in Educational Institutions Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Advisory Council for Agricultural Education constituted under section 6;

(b) "agricultural education" includes imparting knowledge and understanding of basic matters relating to agriculture, farming, cultivation, agronomy, husbandry and horticulture;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(d) "educational institution" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(e) "prescribed" means prescribed by rules made under this Act.

Compulsory teaching of agricultural education in educational institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette, specify, the agricultural education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council.

Appropriate Government to issue directions for compulsory teaching of agricultural education in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of agricultural education in all educational institutions within its jurisdiction.

Appointment of teachers for agricultural education.

5. Subject to such matters, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching agricultural education in educational institutions.

Constitution of Advisory Council for Agricultural Education.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Agricultural Education in Educational Institutions, Act 2016, by notification in the Official Gazette, constitute an Advisory Council for Agricultural Education.

(2) The Advisory Council shall consist of such number of persons, having special knowledge or practical experience in the field of agricultural education, as the Central Government may deem fit.

Functions of the Advisory Council.

7. The Advisory Council shall perform the following functions, namely:—

(a) recommend to the Central Government the syllabus of agricultural education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the agricultural education shall be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching agricultural education;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in agricultural education for the purpose of their appointment in educational institutions; and

(e) co-ordinate with the appropriate Government and educational institutions with a view to ensuring effective implementation of the provisions of this Act.

8. The appropriate Government shall derecognize an educational institution which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Half of India's population is directly dependent on agriculture. However, when we analyse the level of education imparted for agriculture, it gives a disappointing picture. Agricultural education is part of some school curriculum till higher secondary, however there is little emphasis from the Government and the school authorities. The majority of students are those who leave their regular education and end up in agricultural domain. However, there are neither sufficient avenues to officially study agriculture nor any exams which can help to monitor its performance. Thus, we are stuck in traditional ways of agriculture. Today, agricultural education is available both as an optional subject and a vocational course. However, just two percent of higher secondary students take up agricultural education. There is an urgent need to focus on agricultural education, especially in relation to job creation and skill development. This alone can lead to real impact on the sorry picture of agriculture in our country. The country today is debating the introduction of entrepreneurship in education. However, linking entrepreneurship to agriculture can bring the much needed innovation to provide transformational results in this sector. The recently concluded Paris Climate Change summit (Conference of Parties 21) also pressed for more adaptation and mitigation in the agriculture sector.

Creating a vibrant syllabus in agricultural education for schools and linking to job creation will not only increase basic knowledge but also make students naturally interested for advance careers in agricultural sector. The Government's intervention is thus needed to lead societal focus on this issue.

Hence this Bill.

NEW DELHI;
July 1, 2016

RAJEEV SATAV

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers for imparting agricultural education in educational institutions. Clause 6 provides for constitution of an Advisory Council for agricultural education by the Central Government. Clause 9 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 142 OF 2016

A Bill to prohibit and eradicate ragging in educational institutions and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prohibition and Eradication of Ragging Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Committee" means the anti-ragging committee constituted under section 7;

(c) "educational institution" means any college, institute, university whether established by the Government or by any citizen or body of citizens and whether in receipt of aid from Government or not, recognised by Central or State Government for the award of a certificate, diploma or a degree in any course of study, education or training;

(d) "freshers" means those students who have taken admission in the first year of under-graduate or post-graduate level in any stream in any educational institution;

(e) "head of the institution" means the Vice-Chancellor in case of a university or a deemed university and in case of any other institution, the Principal or the Director, as the case may be;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "seniors" means those students who are not in first year of under-graduate or post-graduate level in any stream in any educational institutions.

3. (1) The Act shall apply to all institutions coming within the definition of a University under sub-section (f) of section 2 of the University Grants Commission Act, 1956, and to all institutions deemed to be a university under section 3 of the University Grants Commission Act, 1956, and to all other higher educational institutions, or elements of such universities or institutions, including its departments, constituent units and all the premises, whether being academic, residential, playgrounds, canteen, hostel or other such premises of such universities, deemed universities and higher educational institutions, whether located within the campus or outside, and to all means of transportation of students, whether public or private, accessed by students for the pursuit of studies in such universities, deemed universities and higher educational institutions.

Application of the Act.

(2) In addition to the educational institutions mentioned in sub-section (1), the provisions of this Act shall apply also to all vocational and professional institutions.

4. The ragging shall include following acts,—

Acts which constitute ragging.

(i) any conduct by any student or a group of students whether by words spoken or written or by an act which has the effect of teasing, treating, torturing, or handling with rudeness a fresher or any other student;

(ii) indulging in rowdy or indisciplinary activities by any student or a group of students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

(iii) asking any student to do any act which such student shall not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

(iv) any act by a student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

(v) exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of student;

(vi) any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

(vii) any act of physical abuse including sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health of person;

(viii) any act or abuse, by use of spoken words, telephone, Short Message Service (SMS), e-mails, multi-media messaging service, post, public insults, pornographic material, photographs or video clips, etc., to derive perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student; and

(ix) any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

Burden of proof.

5. Notwithstanding anything contained in any other law, for the time being in force, in any trial under this Act, the burden of proof as to the innocence shall lie on the accused.

Prohibition of ragging.

6. (1) Notwithstanding anything contained in any other law for the time being in force the Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, issue such directives for prohibition of ragging in all colleges and educational institutions functioning under Central Government as may be prescribed.

(2) The Central Government shall, issue similar directives to all State Governments for taking steps to prohibit ragging in all colleges and educational institutions in their respective jurisdiction.

(3) The prohibition under sub-section (1) shall also be extended to and educational institutions in the Union territories.

(4) Every public declaration of intent by any educational institution for admission of students to any course of study, brochure of admission or instruction booklet or the prospectus, in any electronic, audio-visual or print or any other media shall expressly provide that ragging is prohibited in the institution and anyone found guilty of ragging or abetting ragging whether actively or passively or being a part of conspiracy to promote ragging is liable to be punished in accordance with this Act.

Constitution of Anti-Ragging Committee and its functions.

7. (1) The appropriate Government shall ensure that an Anti-Ragging Committee is constituted in every educational institution headed by the senior most faculty of the institution and consisting of representatives of civil and police administration including at least one female representative and representative other from non-governmental organisation, parents, freshers and seniors.

(2) The appropriate Government shall extend its full support to the Anti-Ragging Committee to enable it to perform its duties to the fullest to ensure that all colleges and educational institution are free from ragging and harassment of freshers.

(3) The Anti-Ragging Committee shall perform the following functions:—

(a) to receive complaints on ragging and submit a report to the head of the institution;

(b) to take inputs from various people including staff and freshers on any incident of ragging;

(c) to conduct necessary awareness programme to enlighten the students regarding the effects of ragging;

(d) after conducting thorough investigation, action to be taken against the offenders as per the rules prescribed under this Act.

Constitution of Anti-Ragging Squad and its functions.

8. (1) Every educational institution shall have an Anti-Ragging Squad.

(2) The Anti-Ragging Squad shall function under the guidance of Anti-Ragging Committee consisting of the representatives nominated by the head of the educational institution.

(3) The Anti-Ragging Squad shall—

(a) make surprise checks in hostel and campus to keep a check on ragging;

(b) report any incident of ragging to the committee;

(c) be in constant touch with the staff and students and consult various incidence of ragging.

9. (1) Any student convicted under this Act shall be debarred from continuing his studies in any educational institutions for a period of three years. Penalty.

(2) Whoever contravenes the provisions of this Act shall be punished with fine which shall not be less than rupees twenty-five thousand but which may extend upto rupees one lakh or with rigorous imprisonment for a term which may extend upto three years or, with both.

(3) The appropriate Government shall direct University Grants Commission or the funding agency of the educational institution, as the case may be, to take such steps against the head of the educational institution who fails to present ragging in such manner may deem necessary.

10. The proceeding under this Act shall be tried by the Educational Tribunal or the High Court in the respective State as far as possible. Proceeding.

11. Save as provided under this Act, the provisions of the Code of Criminal Procedure 1973 shall be applicable to any trial under this Act. Provisions of the Code of Criminal Procedure to be applied.

12. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force. Overriding effect of the Act.

13. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Ragging is rising problem which is escalating on a daily basis and needs to be addressed immediately. It mainly concerns with the new generation who take admission in academic institutes, colleges or university having a dream of a bright future which ultimately results in the upliftment of the society and the country as a whole. Ragging has been recognised as a Human Rights Violation. There have been many instances where ragging has led to death of a student. In many cases, it has been observed that a lot of students go into depression or drop out of the college, institute or university seeing the plight of these students, all sections of the society are raising their voice to prohibit ragging and are demanding that the Government must take proactive steps to eradicate this menace to the society.

On the 8th May, 2009, the Hon'ble Supreme Court ordered the Union Government to implement a plan for prevention of ragging. Following this Judgment the University Grants Commission (UGC) and other regulatory authorities like All India Council for Technical Education (AICTE), Medical Council of India (MCI), Dental Council of India (DCI), etc. published a single set of regulations that would cover the entire nation and all educational institutions. The regulations of University Grants Commission (UGC) came into effect on June, 2009.

This Bill combines the essential elements of UGC regulations and the order of the Hon'ble Supreme Court. Therefore, in a certain sense, the Bill simply formalises what exists as of today. All elements of the Bill are actually in place at present.

Hence this Bill.

NEW DELHI;
February 12, 2016

ADHIR RANJAN CHOWDHURY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

BILL NO. 125 OF 2016

A Bill further to amend the State of Arunachal Pradesh Act, 1986.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the State of Arunachal Pradesh (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new sections 29A to 29L.

2. After section 29 of the State of Arunachal Pradesh Act, 1986, the following sections shall be inserted, namely:—

69 of 1986.

Non-applicability of sections 18 to 29 (both inclusive) to the State of Arunachal Pradesh.

"29A. On and from the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, the provisions of sections 18 to 29 (both inclusive) shall not apply to the State of Arunachal Pradesh and the common High Court shall be the High Court for the States of Assam, Mizoram and Nagaland.

29B. (1) On and from the commencement of the Arunachal Pradesh (Amendment) Act, 2016, there shall be a High Court for the State of Arunachal Pradesh to be called the High Court of Arunachal Pradesh.

Establishment of separate High Court for the State of Arunachal Pradesh.

(2) The principal seat of the High Court of Arunachal Pradesh shall be at Itanagar.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Arunachal Pradesh, may sit at such other place or places in the State of Arunachal Pradesh, other than their principal seat as the Chief Justice of the High Court of Arunachal Pradesh may, with the approval of the Governor of the State of Arunachal Pradesh, appoint.

29C. (1) Such of the Judges of the common High Court holding office immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, as may be determined by the President, after ascertaining their option shall, on such commencement, cease to be the Judges of the common High Court and become Judges of the High Court of Arunachal Pradesh.

Judges of High Court of Arunachal Pradesh.

(2) Every person who by virtue of sub-section (1) becomes a Judge of the High Court of Arunachal Pradesh shall, except in the case where any such person is appointed to be the Chief Justice of the High Court of Arunachal Pradesh, rank in the High Court of Arunachal Pradesh according to the priority of his appointment as Judge of the common High Court.

29D. The High Court of Arunachal Pradesh shall have, in respect of any part of the territories included in the State of Arunachal Pradesh, all such jurisdiction, powers and authority as, under the law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, is being exercised in respect of that part of the said territories by the common High Court.

Jurisdiction of High Court of Arunachal Pradesh.

29E. The law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 with respect to the custody of the seal of the common High Court shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Arunachal Pradesh.

Custody of seal of High Court of Arunachal Pradesh.

29F. The law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 with respect to practice and procedure in the common High Court shall, with necessary modifications, apply in relation to the High Court of Arunachal Pradesh and accordingly, the High Court of Arunachal Pradesh shall have all such powers to make rules and orders with respect to practice and procedure as are, immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, exercisable by the common High Court:

Practice and procedure in the High Court of Arunachal Pradesh.

Provided that any rules or orders which are in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 with respect to the practice and procedure in the common High Court shall, until varied or revoked by rules or orders made by the High Court of Arunachal Pradesh, apply with the necessary modifications in relation to the practice and procedure in the High Court of Arunachal Pradesh as if such rules or orders were made by the High Court of Arunachal Pradesh.

29G. The law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 with respect to the form of writs and other processes used, issued or awarded by the common High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Arunachal Pradesh.

Forms of writs and other processes.

29H. The law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 relating to the powers of the Chief Justice, Single Judges and division courts of the common High Court and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Arunachal Pradesh.

Powers of Judges.

Procedure as to
appeals to
Supreme Court.

29I. The law in force immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 relating to appeals to the Supreme Court from the common High Court and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Arunachal Pradesh.

Transfer of
proceedings
from common
High Court to
the High Court
of Arunachal
Pradesh.

29J. (1) Except as hereinafter provided, the common High Court shall, as from the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, have no jurisdiction in respect of the State of Arunachal Pradesh.

(2) Such proceedings pending in the common High Court immediately before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Arunachal Pradesh shall, as soon as may be after such certification, be transferred to the High Court of Arunachal Pradesh.

(3) Notwithstanding anything contained in sub-sections (1) and (2) or in section 29B, but save as hereinafter provided, the common High Court shall have, and the High Court of Arunachal Pradesh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the common High Court before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016:

Provided that if after any such proceedings have been entertained by the common High Court, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Arunachal Pradesh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the common High Court—

(a) before the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, in any proceedings transferred to the High Court of Arunachal Pradesh by virtue of sub-section (2); or

(b) in any proceeding with respect to which the common High Court retains jurisdiction by virtue of sub-section (3),

shall, for all purposes, have effect, not only as an order of the common High Court but also as an order made by the High Court of Arunachal Pradesh.

Interpretation.

29K. For the purposes of section 29I,—

(a) proceedings shall be deemed to be pending in a Court until that Court has disposed of all issues between the parties, including any issue with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division Court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that Court or Judge.

Saving.

29L. Nothing in sections 29B to 29K (both inclusive) shall affect the application to the High Court of Arunachal Pradesh of any provisions of the Constitution, and the provisions of these sections shall have effect subject to any provision that may be made on or after the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016 with respect to the High Court of Arunachal Pradesh by the Legislature of Arunachal Pradesh or other authority having power to make such provisions."

STATEMENT OF OBJECTS AND REASONS

A separate and permanent High Court for Arunachal Pradesh is demanded by the people of the State from long time now. Although there exists a bench of Gauhati High Court at Itanagar but due to escalating burden of pending cases and myriad historical facts, a separate high court should be established in Arunachal Pradesh very soon.

When the State of Arunachal Pradesh Act, 1986 provided for a common High Court, the population and dynamics of administration of the State was very different from the present times. Now the State faces many problems such as law and order, border management, illegal activities, insurgency, inter-State disputes, etc. which have raised number of cases at a rapid rate. In order to have a proper and time bound justice to the people, a separate High Court of Arunachal Pradesh is required now which will meet the needs and aspirations of the people. This will help them in getting justice timely without making unnecessary expenditures.

Hence this Bill.

NEW DELHI;
February 16, 2016.

NINONGERING

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of separate High Court in the State of Arunachal Pradesh.

The expenditure on establishment of separate High Court in the State of Arunachal Pradesh including recurring expenditure will be met out of Consolidated Fund of the State of Arunachal Pradesh.

BILL NO. 92 OF 2016

A Bill to amend the Prohibition of Child Marriage Act, 2006.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Child Marriage (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.	<p>2. In section 2 of the Prohibition of Child Marriage Act, 2006, (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:—</p> <p>'(a) "child" means a person who has not completed eighteen years of age.'</p>	6 of 2007
Amendment of section 3.	<p>3. In section 3 of the principal Act, for sub-section (1) to (3), the following sub-sections shall be substituted, namely:—</p>	
Child marriages to be void or voidable at the option of contracting party being a child.	<p>"3. (1) Every child marriage solemnised after the commencement of this Act shall be null and void at the option of the contracting party, if the age of either or both of the contracting party was below sixteen years on the date of solemnisation of marriage.</p> <p>(2) The marriage referred to in sub-section (1) may be declared null and void by a decree of nullity, on a petition being filed in the district court only by a contracting party who was below the age of sixteen years at the time of marriage.</p> <p>(3) Every child marriage, whether solemnised before or after from commencement of this Act, shall be voidable at the option of contracting party who was a child above the age of sixteen years but below the age of eighteen years at the time of marriage.</p> <p>(3A) The petition for annulling a child marriage under sub-section (3) by a decree of nullity may be filed in a district court by a contracting party till the age of twenty years.</p> <p>(3B) Notwithstanding anything in this Act, the provisions of this Act shall also apply to null and void child marriages as they apply to voidable child marriages."</p>	
Amendment of section 9.	<p>4. In section 9 of the principal Act, for the words "two years", the words "five years" shall be substituted.</p>	
Amendment of section 10.	<p>5. In section 10 of the principal Act, for the words "two years and shall be liable to fine which may extend to one lakh rupees", the words "five years and shall be liable to fine which may extend upto ten lakh rupees" shall be substituted.</p>	
Amendment of section 11.	<p>6. In section 11 of the principal Act, in sub-section (1), for the words "two years and shall also be liable to fine which may extend upto one lakh rupees", the words "five years and shall also be liable to fine which may extend upto five lakh rupees" shall be substituted.</p>	

STATEMENT OF OBJECTS AND REASONS

The Prohibition of Child Marriage Act, 2006 was enacted to provide maintenance and residence to the female contracting party to child marriage. The provision of maintenance, residence and other such matters are applicable only to the voidable child marriages. However, no such benefit is available to the parties of void marriages which is unjustified as the same is available under the other marriage laws.

It is, therefore, need of the hour that, Act should be applicable to cases of void marriages also. This is in line with the 205th Report of Law Commission of India, 2008. Moreover, the current penal provisions of the parent Act hardly act as a deterrent and needs revision. The need is to increase the punishment provided in the parent Act to discourage the increasing child marriage in the country.

The Bill, therefore, seeks to amend the Prohibition of Child Marriage Act, 2006 with a view to—

- (i) restrict the age of filing petition for annulling a voidable child marriage till the child filing the petition attain the age of twenty years;
- (ii) prescribed child marriage below sixteen years of age to be void marriage;
- (iii) apply the provisions of the Act to void marriages; and
- (iv) increase the punishment provided under the Act to act as a deterrent to the increasing child marriages in the country.

Hence this Bill.

NEW DELHI;
February 22, 2016.

SANJAY JAISWAL

BILL NO. 98 OF 2016

A Bill to provide for the compulsory use of mother tongue in imparting basic and primary education to children in all educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Basic and Primary Education (Compulsory Teaching in Mother Tongue) Act, 2016.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "basic education" means education provided in preparatory schools or kindergarten schools or such other schools, by whatever name called;

(c) "educational institution" includes a school which is run by Government or by any other authority designated by it or by a private institution, association or trust, whether aided by Government or not, recognized or unrecognized, imparting education to the children from primary level;

(d) "mother tongue" means the language generally spoken in the family of a child who learns it from his mother and other family members and which is one of the languages mentioned in the Eighth Schedule to the Constitution;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary education" means education up to the level of middle class or eighth standard.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every educational institution shall impart basic and primary education to the children in their mother tongue or dialect generally spoken in the region or State, as the case may be, where such an institution is located, in addition to Hindi or English language, as the case may be, so as to properly develop the faculties of the children.

Compulsory imparting of basic and primary education in mother tongue of the child.

(2) For the purposes of sub-section (1), the appropriate Government shall appoint language teachers in all Government run or aided schools and provide requisite infrastructure for that purpose.

(3) The appropriate Government shall derecognize the educational institutions not complying with the provisions of this Act for such period as it may deem necessary and impose such other sanctions as may be prescribed after giving such institutions a reasonable opportunity to defend their cases.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the States for appointing language teachers and for providing other infrastructure required for the purposes of this Act.

Central Government to provide funds.

5. Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness for imparting basic and primary education to the children in their mother tongue in their school curriculum.

Act to apply to minority educational institutions in certain situations.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulty.

Provided that no such order shall be made or direction be given after three years of the commencement of this Act.

7. (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

(2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

8. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For a child, the easiest language to acquire knowledge and understanding of worldly affairs is his mother tongue. He learns to speak his mother tongue from his mother and family members, who generally speak the language spoken from generations or the dialect of their forefathers or of the area or region in which they reside. In major parts of our country, Hindi is the main language with different dialects at different places but it is written in Devanagari script and can be understood easily. Then, there are regional languages. A total of twenty-two languages have been recognized by our Constitution. The mother tongue, no doubt, is the most appropriate language for a child to develop his faculties. However, when a child is admitted in the play school or Kindergarten or primary school, more so in the so called elite or public schools, he has to switch over to English medium, which is the medium of instruction in such schools. At this stage the real difficulty of the child begins. He speaks and understands a particular language, *i.e.*, his mother tongue, but the education is imparted to him in a different language. This causes strain and in order to become a part of the system he starts ignoring his own mother tongue. In the Hindi speaking areas, students of public schools cannot count in Hindi and do not recognize Hindi alphabet because in their school they cannot speak in their language and have to speak only in English. In many schools, students are penalized if they speak in language other than English. Though the child learns English under compulsion but he is not at ease with this language and on the other hand he does not develop sufficient knowledge of his own language. It is, therefore, necessary that a child should be imparted basic and primary education in his mother tongue, which is the easiest language for him. Thereafter, the child can acquire the skills in other languages and opt for the language of his choice for his further studies.

Hence this Bill.

NEW DELHI;
March 3, 2016.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall appoint language teachers and provide requisite infrastructure for it. The expenditure in respect of schools in Union territories and those funded or aided by the Central Government shall be borne out of the Consolidated Fund of India. Clause 4 provides that the Central Government shall provide requisite funds to the States for carrying out the purposes of this Bill. This Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore per annum will be involved as recurring expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 138 OF 2016

A Bill to provide for free and compulsory primary, secondary, higher and technical education to every child in order to eradicate illiteracy and overall development of children and enabling them to pursue their higher studies without any hindrance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Free and Compulsory Primary, Secondary, Higher and Technical Education Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, notify.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "child" means a male or a female who has attained the age of four years but has not attained the age of twenty-five years;

(c) "higher and technical education" means education beyond senior secondary level and includes education in the fields of law, theology, medicine, technology, business, music or art;

(d) "parent" in relation to a child includes guardian and every person who has the actual custody of the child for the time being;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary and secondary education" means education in a school from primary to senior secondary level.

3. (1) Notwithstanding any custom, usage or belief of any section of the society, every parent shall compulsorily admit his children in a school, on completion of four years of age in order to enable them to get primary education.

Compulsorily admission of children in school and prohibition on their employment.

(2) No person including a parent shall engage a child in any household job or employ a child in a manner which prevents the child from attending the school.

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall be guilty of an offence under this Act.

4. (1) The appropriate Government shall provide free and compulsory primary, secondary, higher and technical education to every child.

Appropriate Government to provide free and compulsory primary, secondary, higher and technical education to every child.

(2) The appropriate Government shall establish adequate number of schools within its territorial jurisdiction including special schools for physically challenged children at such places as it may deem necessary with such basic facilities, as may be prescribed.

(3) If any child intends to pursue higher studies beyond the primary and secondary educational levels, the appropriate Government shall provide free higher and technical education to such child with all such facilities, as may be prescribed.

(4) The appropriate Government shall provide the following facilities to every student enrolled in primary to secondary schools and in higher and technical educational institutions:—

(i) free books, note books and stationery items;

(ii) free school uniforms;

(iii) free hostel facilities and meals;

(iv) free vocational training wherever necessary; and

(v) scholarships in such cases, as may be prescribed.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide necessary funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Central Government to provide adequate funds.

6. (1) If any person including a parent for any reason whatsoever, prevents or restrains or in any manner obstructs the child from receiving primary, secondary, higher or technical education, such person shall be liable to simple imprisonment for a term which may extend upto six months and also with a fine which may extend upto fifty thousand rupees.

Penalty.

(2) Whoever employs a child resulting in obstructing him from attending the school for primary and secondary education shall be liable to imprisonment for a term which shall not be less than two years but may extend upto five years and also with fine which may extend upto one lakh rupees.

Offences to
be cognizable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable.

Act to have
overriding
effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 21A of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children of age of six to fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after almost seven decades of independence.

The ability to read and write is an essential element of human capability. Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunities for human beings, empowers them to resist oppression and to claim their rights.

Our education system is very expensive and all citizens cannot afford it. Parents with meagre incomes are unable to send their children to school for primary, secondary, higher and technical education. Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that parents are encouraged to send their children to school to pursue higher studies thereafter. Therefore, it is necessary to provide for free and compulsory education at all levels including primary, secondary, higher and technical education with scholarships to meritorious students.

Hence this Bill.

NEW DELHI;
April 13, 2016.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for free and compulsory education to children by opening adequate number of schools including special schools for physically challenged children. Clause 5 provides that Central Government shall provide necessary funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty thousand crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees ten thousand crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of normal character.

BILL NO. 93 OF 2016

A Bill to provide for the constitution of a Board for the protection of indigenous cow and its progeny and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indigenous Cow Protection Board Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise provides,—

Definitions.

(a) "Board" means the Indigenous Cow Protection Board constituted under section 3;

(b) "*gaushala*" means a shelter home or building with facilities of fodder, water shed and medical aid for indigenous cows;

(c) "indigenous cow" means cow of indigenous breeds and its progeny but does not include cows of foreign breeds; and

(d) "prescribed" means prescribed by the rules made under this Act.

Constitution
of Indigenous
Cow
Protection
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Indigenous Cow Protection Board for protection of indigenous cow and its progeny.

(2) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarter of the Board shall be at New Delhi.

(4) The Board shall have its offices in the capital of each State and Union territory.

(5) The Central Government shall appoint such number of officers and staff as may be deemed necessary for the efficient functioning of the Board.

(6) The salary and allowances payable to and other terms and conditions of service of the Chairperson, members and officers and staff of the Board shall be such as may be prescribed.

Function of
the Board.

4. The Board shall —

(a) construct *gaushalas* in every village, tehsil and district for protection of indigenous cows;

(b) promote the therapeutic use of medicines based on cow milk, *gobar* and *gomutra*;

(c) promote the manufacturing of fertilizers and insecticides with the use of *gobar* and *gomutra*, aak, neem and tulsi;

(d) link *gaushalas* in the villages to the mid day meal scheme for supply of milk and milk-made products to school students in order to overcome the problem of malnutrition;

(e) promote the use of *gobar* gas in generation of electricity;

(f) link the setting up of *gaushalas* with Mahatma Gandhi National Rural Employment Guarantee Act 2005, to ensure employment in the villages;

(g) promote bullock driven agro processing industry; and

(h) undertake such other steps as may be assigned to it by the Central Government for carrying out the purposes of this Act.

42 of 2005.

Central
Government
to provide
requisite funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to carry out the purposes of this Act.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act;

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In spite of being most favourite animal and having importance in our religio-cultural economy, the population of cows is decreasing day by day. Our country currently holding the distinction of being the largest producer of milk, may run the fear of importing milk in near future. The quantum of havoc and tragic effect it will wreak for the millions of people is beyond anticipation. Traditionally, India houses varied species of cows. These different species of cows like *sahilwal* breed, which gives milk even in dry days, have been the backbone of nation's rural economy. Milk of the indigenous cow has been found to be a complete diet by the scientists. Cow's milk and milk products are full of nutrients that are required for human body to have a disease free life. It has huge potential to fight chronic and incurable diseases. One pound cow's milk a day can keep one healthy and potentially sound to resist various diseases.

Cow's milk contain Vitamin A that have therapeutic value to deal with the disease of cancer. In the Ayurveda, there have been umpteen number of experiments done with *gomutra*. It has twenty-four elements that have antitoxic and preventive values to treat various diseases and it has been found that *gomutra* is therapeutic for as many as one hundred and eight diseases. Pesticides manufactured with the *gomutra*, *aak*, *neem* and *tulsi* adds to the fertility of the land. Apart from this, *gobar* is also used to manufacture bio-fertilizers. Given this, the role of indigenous cows cannot be ignored in the economy and day to day life.

The Bill, therefore, seeks to constitute a Board for the setting up of *gaushalas* and protection of indigenous cow and its progeny in the country.

Hence this Bill.

NEW DELHI;
March 10, 2016.

DEVJIM. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Board for the protection of indigenous cow and its progeny. Clause 4 provides that the Board shall set up *gaushalas* in every village, tehsil and district. Clause 6 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 94 OF 2016

A Bill to provide for the constitution of a Board for regulation of private coaching centres and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Private Coaching Centres Regulatory Board Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Board” means the Private Coaching Centres Regulatory Board constituted under section 3;

(b) “private coaching centre” means an institution imparting—

(i) pre-admission coaching to students for admission into any medical, engineering or any other professional course; or

(ii) pre-examination coaching for securing Government or private job through written or oral examination conducted by any agency of the Government or a private establishment; or

(iii) coaching of any subject taught at secondary or senior secondary school examination level; and

(c) "prescribed" means prescribed by rules made under this Act.

Constitution
of Private
Coaching
Centres
Regulatory
Board.

3. (1) The Central Government shall constitute a Board to be known as the Private Coaching Centres Regulatory Board for the purpose of regulating the functioning of private coaching centres.

(7) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

(3) The Board shall have its office in every State and Union territory.

(4) The Central Government shall appoint such number of officers and employees as it considers necessary for the efficient functioning of the Board.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members, officers and employees of the Board shall be such as may be prescribed.

Functions of
the Board.

4. The Board shall—

(a) give recognition to private coaching centres on such conditions, as may be prescribed;

(b) specify, from time to time, the fee to be charged by coaching centres from students;

(c) formulate a refund policy for the students who leave coaching midway or before completion;

(d) specify modes of payment of fee in lump sum and in installments by the students;

(e) specify the number of holidays to be observed by coaching centres per week;

(f) lay down the minimum qualifications for teachers to be appointed in coaching centres;

(g) determine, in respect of coaching centres, the minimum number of lecturers and student-teacher ratio in the classes;

(h) ensure the appointment of counselor, psychiatrist and physiologist in every coaching centres for counseling of students;

(i) suggest steps to be taken by every coaching centre for reducing psychological pressure on students; and

(j) specify the level of basic facilities to be provided in every coaching centre.

Power to make
rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Practice of pre-examination coaching institutions is flourishing very rapidly in the country. These coaching institutions make false claims for guaranteed success in I.I.T. and medical entrance examinations. Though the number of candidates is fourteen lakh, the number of seats available is only ten thousand. In such a situation, a hefty amount is charged as fee from students without any facility of adequate coaching. Due to this, the future of students gets jeopardized. Thousands of children become victims of depression once they come to know of their result. The struggle for achieving success in cut-throat competition is engulfing community sensitivity. It is a fact that the standard of teaching in coaching institutions promotes negative thoughts in a student. Also, the philosophy of Do or Die is also entrapping the children into mental torture. Roughly, sixteen students commit suicide under pressure of examination in the country every year. In the year 2014, forty-five students have committed suicide in the country. According to the National Crime Record Bureau, there is 63.3 *per cent.* rise in the number of suicides committed by youth in 2014 in comparison to the number of suicides committed in the year 2013. The series of suicides continued in the year 2015. According to the Bureau, 40.17 *per cent.* of the youth who committed suicide were below the age of 30 years out of which 17.2 *per cent.* were girls. Therefore, there is an urgent need to enact a law to regulate the functioning of such private coaching centres in the country.

Hence this Bill.

NEW DELHI;
March 10, 2016.

DEVJIM. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of Private Coaching Centre Regulatory Board for regulating the functioning of private coaching centres. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of Legislative Power is of normal character.

BILL NO. 78 OF 2016

A Bill to provide for regulation of gymnasiums and fitness centres which are engaged in activities, such as imparting training on weight lifting and body building and conduct courses for weight reduction and proper nutrition in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Gymnasiums and Fitness Centres (Regulation) Act, 2016. Short title,
extent and
commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “competent authority” means any office or officer appointed by the appropriate Government under section 4;

(c) “gymnasium or fitness centre” means any establishment, by whatever name called, engaged in imparting training on weight lifting, body building and offering nutritional advice on fitness and weight reduction;

(d) “instructor” means any person engaged for imparting training on weights, body building and nutritional advice to members enrolled in any gymnasium or fitness centre;

(e) “member” means any person enrolled with any gymnasium or fitness centre; and

(f) “prescribed” means prescribed by rules made under this Act.

Compulsory registration of Gymnasium and fitness centres.

3. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette appoint, no person or establishment shall run a gymnasium or a fitness without prior registration with the competent authority.

(2) Any person or establishment running a gymnasium or fitness centre prior to coming into force of this Act shall apply for registration to the competent authority within a period of forty-five days from the date of commencement of this Act in such form and manner as may be prescribed.

Procedure for Registration.

4. (1) The appropriate Government shall, by notification in the Official Gazette appoint a competent authority for the purposes of registration of gymnasiums or fitness centres within its jurisdiction.

(2) The competent authority shall—

(i) on receipt of an application for registration of gymnasium or fitness centre, the competent authority shall scrutinize the application and may call for such other information or documents from the applicant as may be prescribed;

(ii) before registering any gymnasium or fitness centre, inspect the site to have the first hand information of the infrastructure available with the gymnasium or the fitness centre and the compliance of the norms and standards fixed by the appropriate Government in this regard;

(iii) after being satisfied with the various requirements under this Act, grant a registration certificate to the applicant in such form and manner as may be prescribed which shall be valid for two years;

(iv) renew the registration only after re-inspecting the gymnasium or fitness centre and on fulfilment of requirements fixed in this behalf by the appropriate Government under this Act; and

(v) refuse to register a gymnasium or fitness centre or renew its registration if the applicant fails to comply with the norms and standards fixed by the appropriate Government:

Provided that in case of non-registration or non-renewal of registration of a gymnasium or a fitness centre, the competent authority shall record reasons in writing and communicate the same to the applicant, within a period of thirty days from the date of receipt of application for registration.

5. The appropriate Government shall,—

- (a) determine the fee to be charged by any gymnasium or fitness centre from members for various activities;
- (b) prescribe minimum qualification for appointment of instructor in any gymnasium or fitness centre;
- (c) fix the instructor-member ratio for gymnasium and fitness centres;
- (d) lay down norms for minimum infrastructure for starting and running gymnasium and fitness centres; and
- (e) prescribe such other norms as may be necessary for the purpose.

Appropriate Government to prescribe norms for gymnasium and fitness centres.

6. Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend up to two years and also with fine which may extend up to five lakh rupees.

Penalty.

7. (1) Where a contravention of any of the provisions of this Act or any rule, direction or order made there under has been committed by a company, every person who, at the time the contravention was committed, was in charge of and was responsible to the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by a company.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section:—

- (i) “company” means any body corporate and include a firm or other association of individuals; and
- (ii) “director” in relation to a firm, means a partner in the firm.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With the increase in the awareness among the public to have good health and physique, gymnasium and fitness centres are mushrooming in every nook and corner of big fitness centres have branches in many parts of the country, including small towns. Moreover, these gymnasiums and fitness centres charge a hefty fee from their members who with a view to have better looks and physique spend the money. Many of these gymnasiums and fitness centres are not having adequate infrastructure to run their activities and are operating from small room, garage, terrace etc. In India, starting a gym is as easy as opening a kirana store. They have some fancy machines but not enough good trainers, certified to ply their trade add to this the unchecked practice or prescribing dietary supplements at will. Often, they contain substances that can potentially damage organs like the kidneys, liver and gonads.

The activities of body building and weight lifting is closely linked with the diet of a person and if the person is not advised about the proper diet, it may have an adverse effect on the health of a person. This is a highly specialised job which must be carried out by professionals under strict supervision and hygienic environment. Many of the so-called gymnasiums are not having, qualified instructors and are running without any nutritionist or dieticians. These gymnasiums are just fleecing their members besides playing with the health of lakhs of people. As of now, there is no effective law to regulate the operations of gymnasiums and fitness centres. With more and more people visiting wellness centres, there is a need to standardize the quality of service. Therefore, it is high time to regulate the activities of these gymnasiums to protect the interest of public at large.

Hence this Bill.

NEW DELHI;
March 14, 2016.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 4 of Bill provides that the appropriate Government shall appoint competent authority for the purposes of registration of gymnasium and fitness centres. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government shall bear the expenditure for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees twenty crore may be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of powers is of a normal character.

BILL NO. 109 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 343 of the Constitution, the following article shall be substituted, namely:—

Substitution of
new article for
article 343.

"343. The national language of the Union shall be Hindi in Devanagari script."

National
language of
the Union.

Amendment of
article 348.

3. In article 348 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in every High Court shall be both in Hindi and English; and

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State;

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State; and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in Hindi language.

STATEMENT OF OBJECTS AND REASONS

In the British period, in order to establish their sway over India and for their administrative convenience, British imposed English on the people of India. This is nothing short of an irony that even after sixty-nine years of independence, linguistically we continue with that colonial mindset. After independence, our Constitution makers had expressed the mass sentiment towards Hindi through the Constitution. Keeping the linguistic diversity in mind, an arrangement was made for using English for official purposes for the next fifteen years. Alongside, in the Constitution, President was entrusted with the power to constitute Official Language Commission to resolve the language related issues and promotion of Hindi. Thereafter, commission was constituted, committees were formed with umpteen numbers of reports and several orders were issued and attempts to implement the provisions of Official Language Commission were made. But, eventually, the expected results could not be achieved. Activities being undertaken in regard to Official Language remain a mere formality and no concrete effect can be seen on the ground. Due to Government policies, English evolved rapidly as official language whereas the Hindi, the language of the masses, remained neglected.

It is unfortunate that English remains the primary language for judicial, parliamentary and other administrative functions. Even today, we are not in a position to preserve and promote our rich language. Whereas, the languages of all the rich countries are continuously flourishing, we are backtracking in the level of our own language. Hindi is the only language that can unite this diverse nation in one strand. The utmost need of the hour is an initiative on our part to promote the use of Hindi. It is necessary to take concrete measures so that Hindi language can get its due respect. We cannot get expected results only from the Constitutional Commission and Official Language Commission. What we need today is to entrust the status of national language upon Hindi and make a way for its evolution.

Hence this Bill.

NEW DELHI;
April 11, 2016

NISHIKANT DUBEY

BILL NO. 131 OF 2016

A Bill to provide for the constitution of the Child Development Programmes Coordination Agency in order to ensure smooth functioning of child development programmes and achievement of targets for such programmes within a set time frame and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Child Development Programmes Coordination Agency Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Agency” means the Child Development Programmes Coordination Agency established under section 3;

(b) “Child Development Programmes” means the programmes being run by the Union Ministry of Women and Child Development with an object of development of children; and

(c) “prescribed” means prescribed by rules made under the Act.

3. (1) The Central Government shall, by notification in the Official Gazette, establish an Agency to be known as the Child Development Programmes Coordination Agency for carrying out the purposes of this Act in such manner as may be prescribed.

Establishment of a Child Development Programmes Coordination Agency.

(2) The headquarters of the Agency shall be at such place as may be prescribed.

(3) The Central Government shall appoint such number of officers and staff to the Agency for the effective implementation of the provisions of this Act.

(4) The salary and allowance payable to and other terms and conditions of services of officers and staff of the Agency shall be such as may be prescribed.

4. The Agency shall—

Functions of the Agency.

(a) coordinate with the agencies involved in implementation of child development programmes in such manner as may be prescribed;

(b) conduct monthly review of child development programmes run by the Central Government;

(c) hold meetings every three months in connection with the execution of programme based on the review;

(d) submit half-yearly progress report and give recommendations to the Central Government in such manner as may be prescribed; and

(e) undertake such other functions as may be assigned to it by the Central Government, from time to time.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a fund to be known as the Child Development Programmes Coordination Fund for carrying out the purposes of this Act.

Constitution of a Child Development Programmes Coordination Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is unfair to think of development of a nation without development of its children. Actually, child development is the foundation of national development. The responsibility of ensuring health care, availability of good nutrition and quality education to children lies not only with the parents but also with the Government. Presently, a number of programmes on child development are being run by the Central Government amongst which the Integrated Child Development Services (ICDS) Scheme is the primary one, which was started in the year 1975. Subsequently, many small and big programmes were introduced. Despite all these schemes, there seems to be a continuous deterioration in child development scenario in the country, be it the state of health or nutrition or education. Owing to lack of coordination in implementing these ongoing programmes, the state of child development in the country continues to be at the lowest level despite spending hundreds of crores of rupees annually. Therefore, the need to establish a coordination agency for ensuring smooth functioning of child development programmes and achievement of targets of such programmes within the set time-frame is inevitable.

Hence this Bill.

NEW DELHI;
April 11, 2016.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Child Development Programmes Coordination Agency. Clause 5 provides for the constitution of a Child Development Programmes Coordination Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one thousand crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 198 OF 2016

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 196.

2. In section 196 of the Code of Criminal Procedure, 1973, sub-sections (1), (1A) and (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

There are several laws to deal with communal violence in the country but their enforcement is hampered by legal limitations and a severely ineffective police. This makes communal offenders act with impunity, encouraging more of such violence. It is, therefore, vital that the law be strengthened and gaps plugged in so that the perpetrators of crime are punished and the victims get justice.

Section 196 (1) and (1A) of the Code of Criminal Procedure (CrPC) requires the permission of the Union or State Government for prosecuting those accused of communal offences as prescribed under sections 153A, 153B, 295A and 505 of the Indian Penal Code (IPC). This has rendered the existing laws largely powerless as patronage is frequently used to deny sanction and to shelter the accused. This is the reason why several commissions, including the second Administrative Reforms Commission in its 5th Report on public order, recommended that the relevant clauses under the section be removed. This Bill seeks to amend section 196 of the Code of Criminal Procedure, 1973 in order to remove the requirement of Government permission before prosecuting the accused.

Hence this Bill.

NEW DELHI;
July 4, 2016

NISHIKANT DUBEY

BILL NO. 193 OF 2016

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new section
for section
16.

2. In the Right of Children to Free and Compulsory Education Act, 2009, for section 16, 35 of 2009 the following section shall be substituted, namely:—

Prohibition of
expulsion and
criteria of
eligibility for
promotion.

“16. (1) No child admitted in a school shall be expelled from school till the completion of elementary education.

(2) A child undergoing elementary education in a school shall be promoted to the next class only on fulfilling the criteria pertaining to attendance in the class and the ability to read, write and understand in such manner as may be prescribed.”

STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 aims to facilitate the children of the country in acquiring elementary education. For achieving this objective, section 16 of the Act provides for two things, firstly that no child undergoing elementary education shall be expelled from the school and secondly that no such child shall be held back in any class.

The later condition that no child shall be held back in any class while undergoing elementary education is, however, not showing healthy results. It is seen that children are being promoted in a routine manner every year from one class to the higher one without any linkage to the learning they have attained. There are instances where the children's attendance have been very less and consequently, they were not able to learn meaningfully. This defeats the purposes of the Act.

The Bill seeks to lay down some bench mark, the fulfilment of which should be made mandatory before a child is elevated to the next higher class while acquiring elementary education.

Hence this Bill.

NEW DELHI;
July 4, 2016.

NISHIKANT DUBEY

BILL NO. 124 OF 2016

A Bill to provide for welfare and rehabilitation measures to be undertaken by Central Government for the homeless citizens living near railway tracks, railway yards and railway land in metropolitan cities and other urban areas and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Welfare of Homeless Persons Living Near Railway Tracks, Railway Yards and Railway Land Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "persons living near railway tracks" include persons living near railway tracks or bridges or yards or under over-bridges or at any public place and land of the railway in metros and urban areas;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "railway" means the Union Ministry of Railways.

3. (1) The Central Government shall, within one year of the commencement of this Act, in consultation with State Governments and Union territory Administrations, formulate a National Policy for the welfare of homeless persons living near railway tracks, which shall be uniformly implemented across the country.

Formulation of National Policy for the welfare of homeless persons living near the railway tracks.

(2) Without prejudice to the generality of the foregoing provisions, the National Policy may provide for—

(a) recognition of the right of the persons living near railway tracks to keep living near railway tracks without any hindrance or interference from police or civic authorities till alternative shelter is made available to them;

(b) rehabilitation of persons living near railway tracks on the land of railway, wherever possible;

(c) humanitarian approach towards homelessness and acute poverty of persons living near railway tracks;

(d) construction of sufficient number of night shelters with basic facilities at conspicuous places;

(e) provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries;

(f) provision of potable water;

(g) facility of mobile toilets or Sulabh Shauchalya, wherever possible, with facility of bathing;

(h) provision of medical facilities for pregnant women living near railway tracks;

(i) provision of two time meal for persons living in night shelters at minimum cost;

(j) free distribution of mosquito nets and provision of ambulance facility to protect them from malaria, dengue and other vector borne diseases;

(k) free education to the children of persons living near railway tracks including provision of free books, uniform, stationery, shoes, hostel facility and other educational material and vocational training and career counselling for the development of such children;

(l) necessary assistance in cash or in kind and advice and skill development for self-employment of persons living near railway tracks;

(m) rehabilitation of persons engaged in begging in a time bound manner; and

(n) such other measures as may be necessary for the purposes of this Act.

(3) It shall be the duty of appropriate Government to implement welfare measures in such manner as may be prescribed.

Central Government to provide requisite Funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Power to remove difficulty.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the appropriate Government shall be guided on questions of policy by such directions and instructions as may be given by the Central Government:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Act to have overriding effect.

6. (1) The provisions of this Act and rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules.

7. (1) The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large part of our population is living near railway tracks, yards, below the railway bridges and on the land of railways. Whereas railway needs its own land to meet its increasing demand, the persons living near railway tracks and yards are compelled to live there due to poverty and non-availability of dwelling units for homeless persons. Most of the persons living in illegal settlements in these places are struggling with poverty, starvation and unemployment and lack of facilities of water, health and education. As a result, the number of sick persons are increasing due to adverse effect of unhygienic conditions on their health. These persons are being drawn towards crime due to insecurity and unemployment and lack of proper permanent settlement. And this affects the society at large.

Therefore, it is necessary that the Government rehabilitates these homeless persons living on the land of Railways and if it is not possible, rehabilitate them at some other convenient places. It has also to be ensured that they are not removed from their places till any alternate arrangement is made for their rehabilitation. Moreover, health, education, drinking water and employment should also be provided to them.

Hence this Bill.

NEW DELHI;

AJAY MISRA 'TENT'

April 11, 2016.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of national policy for the welfare of homeless persons living near the railway tracks, which shall include, *inter alia*, rehabilitation of persons living near railway tracks on the land of railway, wherever possible, construction of sufficient number of night shelters with basic facilities, provision of necessary healthcare with free checkup including diagnostic services and medicines through mobile dispensaries, facility of mobile toilets, two time meals, distribution of mosquito nets, free educational facilities to the children and financial assistance to these persons. Clause 4 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 119 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court of Uttarakhand at Haridwar.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court of Uttarakhand (Establishment of a permanent Bench at Haridwar) Act, 2016. Short title.

2. There shall be established a permanent Bench of the High Court of Uttarakhand at Haridwar and such Judges of the High Court of Uttarakhand, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Haridwar in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Haridwar, Tehri, Dehradun, Uttarkashi, Pauri, Rudraprayag and Chamoli. Establishment of a permanent Bench of the High Court of Uttarakhand at Haridwar.

STATEMENT OF OBJECTS AND REASONS

Judiciary is an important pillar on which Indian Democracy rests. When a person gets no relief from other quarters, judiciary is often his last resort. But even in judiciary, in view of the large number of pending cases, there is not much possibility of getting speedy justice. If justice is delayed, it amounts to denial of justice. The population of Uttarakhand is around 10,086,292 according to 2011 census. Out of total thirteen districts, seven districts fall in Garhwal region. The Garhwal region includes Haridwar, Tehri, Dehradun, Uttarkashi, Pauri, Rudraprayag and Chamoli districts having a population of around fifty-nine lakh. The people living in these areas have to travel hundreds of kilometres to pursue their cases. This is a painstaking, time consuming and costly exercise. There has been a long pending demand to establish a Bench of the High Court of Uttarakhand at Haridwar with a view to dispensing speedy justice to the people living in the Garhwal region of Uttarakhand. The establishment of a permanent Bench of the High Court of Uttarakhand at Haridwar will fulfil the needs to the people of the area.

Hence this Bill.

NEW DELHI;
April 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

BILL NO. 127 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 72 of the Constitution, in clause (1), after sub-clause (c), the following proviso shall be added, namely:—

Amendment
of article 72.

"Provided that in cases of sentence of death, the person convicted shall be given a reasonable opportunity of being heard before the President."

3. In article 161 of the Constitution, the following proviso shall be added at the end, namely:—

Amendment
of article 161.

"Provided that in cases of sentence of death, the person convicted shall be given a reasonable opportunity of being heard before the Governor."

STATEMENT OF OBJECTS AND REASONS

Articles 72 and 161 of the Constitution empower the President of India and the Governors of States to grant pardons, reprieves, respite or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence mentioned in the said articles. The President and the Governors have been bestowed with absolute powers in this regard. However, there is no Constitutional provision for oral hearing of a convict before the President or the Governor in cases of mercy petition seeking pardon, commutation, etc. of death sentence.

In the famous case of *Kehar Singh Anr. vs Union of India*, the petition to allow for Kehar Singh's representative to see the President in person in order to explain the case concerning him was rejected on the ground that it was not in accordance with "the well established practice in respect of consideration of mercy petitions". In response to a further letter written by the counsel for Kehar Singh, the Secretary to the President wrote that the President is of the opinion that he cannot go into the merits of a case finally decided by the highest court of the land and that the petition for grant of pardon on behalf of Kehar Singh will be dealt with in accordance with the provisions of the Constitution. On 1st December, 1988, a writ petition was filed before the Supreme Court to consider whether the President, while exercising his power to grant pardon under article 72 of the Constitution, could examine the merits of a case which had been finally heard and decided by the Supreme Court. The Supreme Court in its judgement dated 16th December, 1988 under the then Chief Justice R.S. Pathak, observed, "We are of the view that it is open to the President in the exercise of the power vested in him by article 72 of the Constitution to scrutinise the evidence on the record of the criminal case and come to a different conclusion from that recorded by the court in regard to the guilt of, and sentence imposed on, the accused. In doing so, the President does not amend or modify or supersede the judicial record. The judicial record remains intact and undisturbed. The President acts in a wholly different plane from that in which the Court acted. He acts under a constitutional power, the nature of which is entirely different from the judicial power and cannot be regarded as an extension of it. And this is so, notwithstanding the practical effect of the Presidential act is to remove the stigma of guilt from the accused or to remit the sentence imposed on him". The judgement also said that there is no right in the condemned person to insist on an oral hearing before the President and, "the President may consider sufficient the information furnished before him in the first instance or he may send for further material relevant to the issues which he considers pertinent, and he may, if he considers it will assist him in treating with the petition, give an oral hearing to the parties".

The present Bill seeks to amend the Constitution keeping in view the judgement which states that the effect of the pardon granted by the President or the Governor is to remove the stigma of guilt from the accused or to remit the sentence imposed on him. An oral hearing provides the petitioner with the opportunity to present the case in the matter of his/her life and death. Since in most cases it is years before a mercy petition is considered for acceptance or rejection, the convicted would have already spent a lot of time in prison. The person convicted of death sentence should be allowed to present a case for himself so that while considering his/her petition, the executive can take into consideration the evidence of reformation. Even capital punishment retentionists advocate the exhaustion of all possibilities of survival, as a greater principle of precaution, before executing a death sentence. Mercy powers of the executive serve the purpose of saving the nation from the guilt of miscarriage of justice. Though judicial review is incorporated to prevent the misuse of power granted to the executive, it may also serve as a barrier in implementation of constitutional principles. Mercy petition is a constitutional prerogative which must be exercised with a great deal of responsibility and the petitioner should be entitled to an oral hearing before the executive.

Hence this Bill.

NEW DELHI;
April 11, 2016.

R. DHROVANARAYANA

BILL NO. 110 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 80 of the Constitution, in clause (3), after the word "Literature", the words "public knowledge, philosophy," shall be inserted.

Amendment
of article 80.

STATEMENT OF OBJECTS AND REASONS

Since ancient time, public knowledge and philosophy have been formulated in the Indian society to address social problems covering different periods of time. After the process of liberalization there has been an increase in demand for public knowledge and philosophy. The demand for sustainable and proper utilization of local resources have also intensified. Support has also been extended to traditional knowledge at Panchayat level. It is, therefore, necessary to incorporate a people-friendly attitude. Therefore, the representation of persons having special knowledge or practical experience in "public knowledge and philosophy" in the Council of States has become necessary.

The Bill, therefore, seeks to amend the Constitution with a view to provide that persons having special knowledge or practical experience in public knowledge and philosophy be nominated in the Council of States.

Hence this Bill.

NEW DELHI;
April 12, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 112 OF 2016

A Bill to provide for payment of remunerative price for raw jute to the jute growers, insurance of jute crop free of cost and for overall welfare of jute growers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Jute Growers (Remunerative Price and Welfare) Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Fund" means the Jute Growers Welfare Fund constituted under section 5;

(b) "jute grower" means any person who cultivates jute and obtains fibre therefrom; and

(c) "prescribed" means prescribed by rules made under this Act.

Procurement of raw jute and fixation of its remunerative price.

3. (1) The Central Government shall procure the entire jute crop fibre from jute growers through such agency as may be prescribed.

(2) The Central Government shall fix remunerative price of raw jute every year after taking into consideration—

(a) increase in the price of jute seeds, pesticides, fertilizers and other inputs;

(b) total investment made by the jute growers; and

(c) such other factors, as may be prescribed.

Insurance.

4. The entire jute produced by the jute growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of jute, fall in the price of jute and such other eventualities as may be prescribed.

Jute Growers Welfare Fund.

5. (1) The Central Government shall constitute a Fund to be known as the Jute Growers Welfare Fund.

(2) The Central Government and the State Governments concerned shall contribute to the Fund in such ratio as may be prescribed.

Utilisation of the Fund.

6. The Fund shall be utilized,—

(a) to provide financial assistance to jute growers for purchasing jute seeds, pesticides and fertilizers and in cases of low yields of jute or loss of their crops due to rains, storms, floods, hailstorms or drought;

(b) to pay compensation to the next of kin of jute growers in the event of their death;

(c) to provide free health facilities to jute growers and their families;

(d) to provide assistance to the jute growers in the event of disability; and

(e) for such other purposes as may be prescribed by the Central Government.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Jute fibre, also known as golden fibre, used to hold a glorious position in our country. Jute is one of the main commercial crops of our country. Jute fibre as an industrial product is used to prepare bio-degradable, eco-friendly cheap bags. But of late, jute growers in the country are facing problems as they are not getting remunerative price for their produce. Jute cultivation is turning out to be a non-profitable venture for the farmers due to increase in the prices of jute seeds, fertilizers, pesticides and other inputs. Due to high investment involved in the cultivation of jute, farmers have to go for loans and on account of being unable to repay the loans, they are living under great distress. Being a cash crop, insurance facility is also not available to the jute farmers. Growing use of synthetic fibre is adding to the woes of jute growers.

The condition of jute growers in the leading jute producing States of West Bengal and Bihar is pitiable. Farmers of these States are getting into debt trap and in many cases, their financial condition is compelling them to take the extreme step of committing suicide.

Therefore, it is the responsibility of the Central Government to fix the remunerative price of jute; provide for free and compulsory insurance of jute crops and constitute a Jute Growers Welfare Fund to meet various needs of jute growers.

Hence this Bill.

NEW DELHI;
April 12, 2016.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement of entire jute produced in the country and also fixation of remunerative price of jute by the Central Government. Clause 4 provides for compulsory insurance of jute crop free of cost by the Central Government against natural calamities, fall in the yield of jute and such other eventualities. Clause 5 provides for the constitution of a Jute Growers Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three thousand crore may be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 113 OF 2016

A Bill to provide for the protection and welfare of the weavers, workers and small entrepreneurs engaged in powerloom sector and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Powerloom Sector (Welfare) Act, 2016.

Short title
and extent.

(2) It extends to the whole of India.

2. (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

Definitions.

(b) "weaver" means a person who works or operates on a powerloom for the production of cloth;

(c) "worker" means a worker who is engaged in any activity of production of cloth on powerloom for any remuneration or wages either in cash or in kind; and

(d) "small entrepreneur" means a person engaged in buying cloth and yarn produced from powerlooms but whose total investment in plant and machinery does not exceed rupees five crore.

Formulation of National Welfare Policy for weavers, workers and small entrepreneurs.

3. (1) The Central Government shall, within one year from the commencement of this Act, formulate a National Welfare Policy for the weavers, workers and small entrepreneurs engaged in powerloom sector.

(2) Without prejudice to the generality of the foregoing provision, the National Welfare Policy shall include the following provisions:—

(a) interest free loans to powerloom weavers and workers;

(b) payment of *ex-gratia* amount to the family of such weavers, who die in harness;

(c) supply of cotton yarn and other raw materials at subsidised rate to the powerloom weavers;

(d) measures for stabilising the price of cotton yarn;

(e) insurance cover to all powerloom weavers and workers;

(f) health care facilities to powerloom weavers and workers and their dependent family members;

(g) educational facilities including vocational training for the dependent children of weavers, workers and small entrepreneurs of powerloom sector;

(h) measures for revival of powerloom units which are on the verge of closure due to any reason; and

(i) such other welfare measures as the Central Government may deem necessary.

(3) The appropriate Government shall implement welfare measures provided for the weavers, workers and small entrepreneurs under this Act, in such manner as may be prescribed.

Central Government to provide adequate funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to remove difficulties.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

6. The provisions of this Act and the rules made thereunder shall come into effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Powerloom sector is one of the most important segments of the textile industry in our country. There are more than five lakh powerloom units in the country and nearly twenty-three lakh powerloom from which nearly six million workers earn their livelihood. These powerloom units are located mainly in the States of Maharashtra, Andhra Pradesh, Tamil Nadu, Madhya Pradesh, Uttar Pradesh and Bihar. Bhiwandi, Malegaon and Ichalkaranchi in the State of Maharashtra are its main centres. In fact, powerloom units are spread across the length and breadth of the country. Most of the weavers are engaged in this profession for many generations. Powerloom is the only source of sustenance for the weavers, workers and for small entrepreneurs. Cloth made from powerlooms is in vogue not only at home but also abroad.

It is unfortunate that the weavers, workers and small entrepreneurs are facing a lot of difficulties. In Bhiwandi, in the State of Maharashtra, many units have been closed down and several others are on the verge of collapse. There are a number of reasons for it. The foremost reason for this is non-availability of yarn at affordable prices. There is no uniformity in the price of cotton yarn. Packets of yarn don't indicate price, which leads to the purchase of yarn at inflated prices. As a result, a large number of powerloom units have to be closed down because their operation becomes unviable.

If no concrete remedial measures are taken to save powerloom sector, there is a risk of extinction of this sector in near future.

The most disturbing and sad part is that most of the weavers are debt-ridden and poverty-stricken for long and their condition has become miserable. The families of helpless weavers, workers are facing starvation. The business of small entrepreneurs in the sector is suffering. Therefore, it requires intervention on the part of the Government to take immediate remedial measures in order to save the powerloom sector. There is an urgent need for formulation and implementation of a national welfare policy for welfare of weavers, workers and small entrepreneurs engaged in powerloom sector in the country.

Hence this Bill.

NEW DELHI;

OM PRAKASH YADAV

April 12, 2016.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation and implementation of a national welfare policy for weavers, workers and small entrepreneurs. Clause 4 provides that the Central Government shall provide requisite funds to carry out the provisions of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative powers is of a normal character.

BILL NO. 123 OF 2016

A Bill further to amend the Prevention of Corruption Act, 1988.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Prevention of Corruption (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 5.

2. In the Prevention of Corruption Act, 1988 (hereinafter referred to as the principal Act), in section 5, sub-section (6) shall be omitted. 49 of 1988.

Substitution of new sections for sections 7, 8, 9 and 10.

3. For sections 7, 8, 9 and 10 of the principal Act, the following sections shall be substituted, namely:—

Offence relating to public servant being bribed.

"7. (1) Any person, being, or expecting to be, a public servant who,—

(a) requests any person for, or obtains or agrees to receive or accepts or attempts to obtain from any person, any financial or other advantage, intending that, in consequence, a relevant public function or activity would be performed improperly either by himself or by another public servant; or

(b) requests for, or obtains or agrees to receive or accepts or attempts to obtain, a financial or other advantage from any person and the request, agreement,

acceptance or attempt itself constitutes the improper performance of a relevant public function or activity; or

(c) requests for, or obtains or agrees to receive or accepts or attempts to obtain, a financial or other advantage as a reward for the improper performance (whether by himself or by another public servant) of a relevant public function or activity; or

(d) performs, or induces another public servant to perform, improperly a relevant public function or activity in anticipation of or in consequence of requesting, agreeing to receive or accepting a financial or other advantage from any person,

shall be punishable, with imprisonment which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation 1.—It shall be immaterial whether—

(a) such person being, or expecting to be, a public servant requests or obtains or agrees to receive or accepts, or attempts to obtain (or is to request, agree to receive, or accept) the advantage directly or through a third party;

(b) the financial or other advantage is, or is to be, for the benefit of such person being or expecting to be, a public servant or another person.

Explanation 2.—It shall be immaterial, whether such person being, or expecting to be, a public servant knows or believes that the performance of the public function or activity is improper or whether the public servant who is induced to perform improperly a relevant public function or activity knows or believes that the performance of the public function or activity is improper.

Explanation 3.—"Expecting to be a public servant" If a person not expecting to be in office agrees to receive or accepts or attempts to obtain from any person, any other financial or other advantage by deceiving such other person into a belief that he is about to be in office, and that he will then serve him, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

Explanation 4.—Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title or other benefit for that person and thus induces that person to give the public servant, any financial or other advantage as a reward for this service, the public servant has committed an offence under this section.

(2) For the purposes of this Act,—

(a) a function or activity is a public function or activity, if—

(i) the function or activity is of a public nature;

(ii) the function or activity is performed in the course of a person's employment as a public servant;

(iii) the person performing the function or activity is expected to perform it impartially and in good faith; and

(iv) the person performing the function or activity is in a position of trust by virtue of performing it;

(b) a public function or activity is performed improperly, if—

(i) it is performed in breach of a relevant expectation; and

(ii) there is a failure to perform the function or activity and that failure is itself a breach of a relevant expectation;

(c) "relevant expectation",—

(i) in relation to a public function or activity performed, means the performing of the public function or activity impartially or in good faith, as the case may be;

(ii) in relation to a public function or activity performed in a position of trust (by virtue of performing such function or activity), means any expectation as to the manner in which, or the reasons for which, the function or activity will be performed that arises from the position of such trust;

(d) anything that a public servant does, or omits to do, arising from or in connection with that person's past performance of a public function or activity shall be treated as being done, or omitted, by that person in the performance of that function or activity;

(e) the test of what is expected is a test of what a reasonable person in India would expect in relation to the performance of the type of public function or activity concerned.

Offence
relating to
bribing of a
public
servant.

8. Any person who—

(a) offers, promises or gives a financial or other advantage to another person, and intends such financial or other advantage—

(i) to induce a public servant to perform improperly a public function or activity; or

(ii) to reward such public servant for the improper performance of such public function or activity; or

(b) offers, promises or gives a financial or other advantage to a public servant and knows or believes that the acceptance of such financial or other advantage by the public servant would itself constitute the improper performance of a relevant public function or activity,

shall be punishable with imprisonment which shall not be less than three years but which may extend to seven years and shall also be liable to fine:

Provided that when the offence under this section has been committed by a commercial organisation, such commercial organisations shall be punishable with fine:

Provided that this section shall not apply to person who is forced or compelled to give bribe.

Explanation.—It shall be immaterial whether the person to whom the financial or other advantage is offered, promised or given is the same person as the person who is to perform, or has performed, the public function or activity concerned, and, it shall also be immaterial whether such financial or other advantage is offered, promised or given by the person directly or through a third party.

9. (1) A commercial organisation shall be guilty of an offence and shall be punishable with fine, if any person associated with the commercial organisation offers, promises or gives a financial or other advantage to a public servant intending—

Offence relating to bribing a public servant by a commercial organisation.

(a) to obtain or retain business for such commercial organisation; and

(b) to obtain or retain an advantage in the conduct of business for such commercial organisation:

Provided that it shall be a defence for the commercial organisation to prove that it had in place adequate procedures designed to prevent persons associated with it from undertaking such conduct.

(2) For the purposes of this section, a person offers, promises or gives a financial or other advantage to a public servant if, and only if, such person is, or would be, guilty of an offence under section 8, whether or not the person has been prosecuted for such an offence.

(3) For the purposes of section 8 and this section,—

(a) "commercial organisation" means—

(i) a body which is incorporated in India and which carries on a business, whether in India or outside India;

(ii) any other body which is incorporated outside India and which carries on a business, or part of a business, in any part of India;

(iii) a partnership firm or any association of persons formed in India and which carries on a business (whether in India or outside India); or

(iv) any other partnership or association of persons which is formed outside India and which carries on a business, or part of a business, in any part of India;

(b) "business" includes a trade or profession or providing service including charitable service;

(c) a person is said to be associated with the commercial organisation if, disregarding any offer, promise or giving a financial or other advantage which constitutes offence under sub-section (1), such person is a person who performs services for or on behalf of the commercial organisation.

Explanation 1.—The capacity in which the person performs services for or on behalf of the commercial organisation shall not matter irrespective of whether such person is employee or agent or subsidiary of such commercial organisation.

Explanation 2.—Whether or not the person is a person who performs services for or on behalf of the commercial organisation is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between such person and the commercial organisation.

Explanation 3.—If the person is an employee of the commercial organisation, it shall be presumed unless the contrary is proved that such person is a person who performs services for or on behalf of the commercial organisation.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under section 8 and this section shall be cognizable.

10. (1) Where a commercial organisation has been guilty of an offence under section 9, every person who at the time the offence was committed was in charge of, and was responsible to, the commercial organisation for the conduct of the business of the commercial organisation shall be deemed to be guilty of the offence and shall be punishable with imprisonment which shall not be less than three years but which may extend to seven years and shall also be liable to fine:

Person in charge of commercial organisation to be guilty of offence.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under section 9 has been committed by a commercial organisation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the commercial organisation, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly under this section.

Explanation.—For the purposes of this section, "director", in relation to a firm, means a partner in the firm.'

Omission of section 11.

4. Section 11 of the principal Act shall be omitted.

Substitution of new section for section 12.

5. For section 12 of the principal Act, the following section shall be substituted, namely:—

Punishment for abetment of offences defined in the Act.

"12. Whoever abets any offence punishable under this Act, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than three years but which may extend to seven years and shall also be liable to fine."

Amendment of section 13.

6. For sub-section (1) of section 13 of the principal Act, the following shall be substituted, namely:—

'(1) A public servant is said to commit the offence of criminal misconduct,—

(a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(b) if he intentionally enriches himself illicitly during the period of his office and, he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.—For the purpose of this section, "known sources of income" means income received from any lawful source.'

Substitution of new section for section 14.

7. For section 14 of the principal Act, the following section shall be substituted, namely:—

Punishment for habitual offender.

"14. Whoever convicted of an offence under this Act subsequently commits an offence punishable under this Act, shall be punishable with imprisonment for a term which shall be not less than three years but which may extend to ten years and shall also be liable to fine."

Amendment of section 15.

8. In section 15, for the words, brackets and letters "clause (c) or clause (d)", the word, brackets and letter "clause (a)" shall be substituted.

Insertion of new Chapter IVA.

9. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER IV A

ATTACHMENT AND FORFEITURE OF PROPERTY

Definitions.

18A. In this Chapter, unless the context otherwise requires,—

(1) "date of termination of criminal proceedings" means—

(a) where such proceedings are taken to the Supreme Court in appeal, whether on the certificate of a High Court or otherwise, the date on which the Supreme Court passes its final orders in such appeal; or

(b) where such proceedings are taken to the High Court and orders disposing of the proceedings are passed thereon and—

(i) no application for a certificate for leave to appeal to the Supreme Court is made to the High Court, the day immediately following the expiry of ninety days from the date on which the High Court passes its final orders;

(ii) an application for a certificate for leave to appeal to the Supreme Court has been refused by the High Court, the day immediately following the expiry of sixty days from the date of the refusal of the certificate;

(iii) a certificate for leave to appeal to the Supreme Court has been granted by the High Court, but no appeal is lodged in the Supreme Court, the day immediately following the expiry of thirty days from the date of the order granting the certificate; or

(c) where such proceedings are not taken to the High Court, the day immediately following the expiry of sixty days from the date of the last judgment or order of a special Judge in the proceedings;

(2) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in such property or assets.

18B. (1) Where any police officer authorised to investigate any offence under section 17 has reason to believe that any person has committed any offence under this Act and such person has procured money or other property by means of such offence, the Investigating Officer may, with the prior approval of the Central Government or the State Government, as the case may be, at any stage, whether or not any court has taken cognizance, move an application before the special Judge appointed under section 3 for attachment of the said money or property or if such money or property cannot, for any reason, be attached, other property of the said person of value as nearly as may be equivalent to that of the aforesaid money or other property.

Application
for
attachment.

(2) An application under sub-section (1) shall be accompanied by one or more affidavits, stating the grounds on which the belief that the said person has committed any offence under this Act is founded and the amount of money or value of other property believed to have been procured by means of the offence.

(3) The application shall also furnish—

(a) any information available as to the location for the time being of any such money or other property, and shall, if necessary, give particulars, including the estimated value, of other property of the said person;

(b) the names and addresses of any other persons believed to have or to be likely to claim, any interest or title in the property of the said person.

18C. (1) Upon receipt of any application under section 18B, the special Judge shall, unless for reasons to be recorded in writing, he is of the opinion that there exists no *prima facie* grounds for believing that the person in respect of whom the application is made has committed any offence under this Act or that such person has procured thereby any money or other property, pass without delay an *ad interim* order attaching the money or other property alleged to have been so procured, or if it transpires that such money or other property is not available for attachment, such other property of such person of equivalent value as the special Judge may think fit:

Ad interim
attachment.

Provided that the special Judge may, if he thinks fit, before passing such order, and before refusing to pass such order, examine the person or persons making the affidavit accompanying the application.

(2) At the same time as he passes an order under sub-section (1), the special Judge shall issue to the person whose money or other property is being attached, a notice accompanied by copies of the order, the application, affidavits and of the evidence, if any, recorded, calling upon him to show cause why the order should not be made absolute.

(3) The special Judge shall also issue notices, accompanied by copies of the documents accompanying the notice under sub-section (2), to all persons represented to him as having or being likely to claim, any interest or title in the property of the person to whom notice is issued under the said sub-section calling upon each such person to appear on the same date as specified in the notice under the said sub-section and make objection if he so desires to the attachment of the property or any portion thereof on the ground that he has an interest in such property or portion thereof.

(4) Any person claiming an interest in the attached property or any portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the special Judge at any time before an order is passed under sub-section (1) or sub-section (3), as the case may be, of section 18D.

Inquiry of
objections to
attachment.

18D. (1) If no cause is shown and no objections are made under section 18C on or before the specified date in the notice issued under sub-section (2) of section 18C, the special Judge shall forthwith pass an order making the *ad interim* order of attachment absolute.

(2) If cause is shown or any objections are made under section 18C, the special Judge shall proceed to inquire the same and in so doing, as regards the examination of the parties and in all other respects he shall, subject to the provisions of this Chapter, follow the procedure and exercise all the powers of a court in hearing a suit under the Code of Civil Procedure, 1908 and any person making an objection under section 18C shall be required to adduce evidence to show that on the date of the attachment he had some interest in the property attached.

5 of 1908.

(3) After inquiry under sub-section (2), the special Judge shall pass an order either making the *ad interim* order of attachment absolute or varying it by releasing a portion of the property from attachment or withdrawing the order:

Provided that the special Judge shall not—

(a) release from attachment any interest which he is satisfied that the person believed to have committed an offence under this Act, has in the property, unless he is also satisfied that there will remain under attachment an amount of the said person's property of value not less than that of the property believed to have been procured by the said person by means of the offence; or

(b) withdraw the order of attachment unless he is satisfied that the said person has not by means of the offence procured any money or other property.

Attachment
of property
of *mala fide*
transferees.

18E. (1) Where the assets available for attachment of a person believed to have committed any offence under this Act are found to be less than the amount or value which he is believed to have procured by means of such offence, and where the special Judge is satisfied, by affidavit or otherwise, that there is reasonable cause for believing that the said person has, after the date on which the offence is alleged to have been committed, transferred any of his property otherwise than in good faith and for consideration, the special Judge may by notice require any transferee of such property (whether or not he received the property directly from the said person) to appear on a date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the date specified in the notice under sub-section (1), or where after inquiry in the manner provided in sub-section (2) of section 18D, the special Judge is satisfied that the transfer of the property to the said transferee was not in good faith and for consideration, the special Judge shall order the attachment of so much of the said transferee's property as is, in the opinion of the special Judge equivalent to the proper value of the property, transferred.

5 of 1908.

18F. An order of attachment of property under this Chapter shall be carried into effect, so far as may be practicable, in the manner provided in the Code of Civil Procedure, 1908 for the attachment of property in execution of a decree.

Execution of
orders of
attachment.

18G. Any person whose property has been or is about to be attached under this Chapter may, at any time, apply to the special Judge to be permitted to give security *in lieu* of such attachment and where the security offered and given is in the opinion of the special Judge, satisfactory and sufficient, he may withdraw or, as the case may be, refrain from passing the order of attachment.

Security *in
lieu* of
attachment.

18H. (1) The special Judge may, on the application of any person interested in any property attached under this Chapter and after giving the officer or any other person authorised in this behalf by the State Government or, as the case may be, the Central Government, an opportunity of being heard, make such orders as the special Judge considers just and reasonable for—

Administration
of
attachment.

(a) providing from such attached property, as the applicant claims, an interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for the expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in any court for the offence;

(b) safeguarding, so far as may be practicable, the interests of any business affected by the attachment, and in particular, the interests of any partners in such business.

(2) Where it appears to the special Judge to be just and convenient, he may, by order appoint a receiver to manage any property attached under this Chapter in accordance with such instructions as the special Judge may, from time to time, think fit to give and where a receiver is so appointed, the provisions of rules 2, 3, 4 and 5 of Order XL of the First Schedule to the Code of Civil Procedure, 1908 shall be applicable.

5 of 1908.

18 I. An order of attachment of property under this Act shall, unless it is withdrawn earlier in accordance with the provisions of this Act, continue in force—

Duration of
attachment.

(a) where no court has taken cognizance of the alleged offence at the time when the order is applied for, one year from the date of the order under sub-section (1) of section 18C or sub-section (2) of section 18E, as the case may be, unless cognizance of such offence is, in the meantime taken by the court, or unless the special Judge on application by the Investigating Officer showing reasons for non-completion of the investigation and if the Judge is satisfied that reasonable grounds exist, extends further period of attachment not exceeding six months;

(b) where a court has taken cognizance of the alleged offence whether before or after the time when the order of attachment of property is made by the court, until orders are passed by the special Judge in accordance with the provisions of this Act, upon the termination of the criminal proceedings in respect of the disposal of such property.

18J. (1) The State Government or, as the case may be, the Central Government or any person who has shown cause under section 18C or section 18E or has made an objection under section 18C or has made an application under section 18G or section 18H, if aggrieved by any order of the special Judge under any of the foregoing provisions of this Chapter, may appeal to the High Court within thirty days from the date on which the order appealed against was passed.

Appeals.

(2) Upon any appeal under sub-section (1), the High Court may, after giving such parties as it thinks proper an opportunity of being heard, pass such orders as it thinks fit.

(3) Until an appeal under sub-section (1) is finally disposed of by the High Court, no court shall, otherwise than in accordance with the provisions of section 18G or section 18L, pass any order in respect of the attachment of the property to which the appeal relates.

Court to evaluate property procured by offence.

18K. (1) Where before judgment is pronounced in any criminal trial for any offence under this Act, it is represented to the court that an order of attachment of property has been passed under this Chapter in connection with such offence, the court shall, if it is convicting an accused, record a finding as to the amount of money or value of other property procured by the accused by means of the offence.

(2) In any appeal or revisional proceedings against such conviction, the appellate or revisional court shall unless it sets aside the conviction, either confirm such finding or modify it in such manner as it thinks proper.

(3) In any appeal or revisional proceedings against an order of acquittal passed in a trial, such as, is referred to in sub-section (1), the appellate or revisional court, if it convicts the accused, shall record a finding, such as is referred to in that sub-section.

(4) Where the accused is convicted of any offence under this Act and where it appears that the offence has caused loss to more than one Government or authority or corporation or Government company referred to in sub-clause (iii) of clause (c) of section 2, the court shall, in the concerned finding referred to in the foregoing sub-sections, indicate the amount of loss sustained by each such Government or authority or corporation or Government company, as the case may be.

(5) Where the accused is convicted in the same trial of one or more offences specified under this Act, the court shall, in the concerned finding referred to in the foregoing sub-sections, indicate separately the amounts procured by means of the two classes of offences.

Disposal of attached property upon termination of criminal proceedings.

18L. (1) Upon the termination of any criminal proceedings for any offence under this Act in respect of which any order of attachment of property has been made under this Chapter or security given to *in lieu* thereof, the officer or any other person authorised by the State Government or, as the case may be, the Central Government in this behalf shall, without delay inform the special Judge, and shall where criminal proceedings have been taken in any court, furnish the special Judge with a copy of the judgment or order of the trying court and with copies of the judgment or orders, if any, of the appellate or revisional court thereon.

(2) Where it is reported by the officer or any other person referred to in sub-section (1) to the special Judge that cognizance of the alleged offence has not been taken or where the final judgment or order of the court is one of acquittal, the special Judge shall forthwith withdraw any orders of attachment of property made in connection with the offence, or where security has been given *in lieu* of such attachment, order such security to be returned.

(3) Where the final judgment or order of the court is one of conviction, the special Judge shall order that from the property of the convicted person attached under this Chapter or out of the security given *in lieu* of such attachment, there shall be forfeited to the Central Government or the State Government, as the case may be, such amount or value as is found in the final judgment or order of the court in pursuance of section 18K, to have been procured by the convicted person by means of the offence, together with the costs of attachment as determined by the special Judge and where the final judgment or order of the court has imposed or upheld a sentence of fine on the said person (whether alone or in conjunction with any other punishment), the special Judge may order, without prejudice to any other mode of recovery, that the said fine shall be recovered from the residue of the said attached property or the security given *in lieu* of attachment.

(4) Where the amounts ordered to be forfeited or recovered under sub-section (3) exceed the value of the property of the convicted person attached, and where the property of any transferee of the convicted person has been attached under section 18E, the special Judge shall order that the balance of the amount ordered to be forfeited under sub-section (3) together with the costs of attachment of the transferee's property as determined by the special Judge shall be forfeited to the Government from the

attached property of the transferee or out of the security given in lieu of such attachment, and the special Judge may order without prejudice to any other mode of recovery that any fine referred to in sub-section (3) or any portion thereof not recovered under that sub-section shall be recovered from the attached property of the transferee or out of the security given in lieu of such attachment.

(5) If any property remains under attachment in respect of any offence under this Act or any security given to in lieu of such attachment remains with the special Judge after his orders under sub-sections (3) and (4) have been carried into effect, the order of attachment in respect of such property remaining shall be forthwith withdrawn or, as the case may be, the remainder of the security shall be returned, under the orders of the special Judge.

(6) Every sum ordered to be forfeited under this section in connection with any offence under this Act shall, after deduction of the costs of attachment as determined by the special Judge, be credited to the Government or authority or corporation or Government company referred to in sub-clause (iii) of clause (c) of section 2 of the Act, to which the offence has caused loss, or where there is more than one such Government or authority or corporation or Government company, as the case may be, the sum shall after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each.

18M. Save as provided in section 18J and notwithstanding anything contained in any other law,—

Bar to other proceedings.

(a) no suit or other legal proceeding shall be maintainable in any court—

(i) in respect of any property ordered to be forfeited under section 18L, or which has been taken in recovery of fine in pursuance of an order under that section; or

(ii) while any other property is attached under this Chapter, in respect of such other property,

by any person upon whom a notice has been served under section 18C or section 18E or who has made an objection under sub-section (4) of section 18C; and

(b) no court shall, in any legal proceeding or otherwise, pass any decree or order, other than a final decree to a suit by a person not being a person referred to in clause (a), which shall have the effect of nullifying or affecting in any way any subsisting order of attachment of property under this Chapter, or the right of the special Judge to hold security in lieu of any such order of attachment.

18N. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Chapter.

Protection of action taken in good faith.

10. In section 19 of the principal Act, in sub-section (1),—

Amendment of section 19.

(i) for the words and figures "sections 7, 10, 11, 13 and 15", the words and figures "sections 7, 13 and 15" shall be substituted;

(ii) in clause (a), for the words "who is employed", the words "who is employed, or as the case may be, was at the time of commission of the alleged offence employed" shall be substituted;

(iii) in clause (b), for the words "who is employed", the words "who is employed, or as the case may be, was at the time of commission of the alleged offence employed" shall be substituted;

(iv) after clause (c), the following provisos shall be inserted, namely:—

Provided that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for

the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified in this sub-section, unless—

(i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and

(ii) the court has not dismissed the complaint under section 203 of the Code of Criminal Procedure, 1973 and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding: 2 of 1974.

Provided further that in the case of request from the person other than a police officer or an officer of an investigating agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant:

Provided also that the appropriate Government or the competent authority, as the case may be, shall convey its decision under this sub-section within a period of three months, which may, for reasons to be recorded in writing by the appropriate Government or the competent authority, that the consultation with the Attorney General or the Advocate General, as the case may be, is required, be extended by a further period of one month."

Substitution
of new
section for
section 20.

11. For section 20 of the principal Act, the following section shall be substituted, namely:—

Presumption
where public
servant
accepts
financial or
other
advantage or
any valuable
thing.

"20. Where, in any trial of an offence punishable under section 7, it is proved that an accused person has accepted or obtained or has agreed to receive or attempted to obtain for himself, or for any other person, any financial or other advantage from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that financial or other advantage, as the case may be, intending that, in consequence, a relevant public function or activity would be performed improperly either by himself or by another public servant."

Amendment
of Ordinance.

12. In the Criminal Law Amendment Ordinance, 1944, in the Schedule,—

38 of 1944.

(i) paragraph 4A shall be omitted;

(ii) in paragraph 5, for the words, figures and letter "items 2, 3, 4 and 4A", the words and figures "items 2, 3 and 4" shall be substituted.

Amendment
of Act 25 of
1946.

13. In the Delhi Special Police Establishment Act, 1946, in section 6A, in sub-section (I), after the words "where such allegation relates to", the words "the persons who are or have been" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Corruption Act, 1988 provides for prevention of corruption and for matters connected therewith. The ratification by India of the United Nations Convention Against Corruption, the international practice on treatment of the offence of bribery and corruption and judicial pronouncements have necessitated a review of the existing provisions of the Act and the need to amend it so as to fill in gaps in description and coverage of the offence of bribery so as to bring it in line with the current international practice and also to meet more effectively, the country's obligations under the aforesaid Convention. Hence, the present Bill.

2. The salient features of the Bill, *inter alia*, are as follows:—

(a) section 7 of the Act at present covers the offence of public servant taking gratification other than legal remuneration in respect of an official act. The definition of offence is proposed to be substituted by a new comprehensive definition which covers all aspects of passive bribery, including the solicitation and acceptance of bribe through intermediaries and also acts of public servants acting outside their competence;

(b) the Act at present does not contain any provisions directly dealing with active domestic bribery, that is, the offence of giving bribe. Section 12 of the Act which provides for punishment for abetment of offences defined in section 7 or section 11, covers the offence indirectly. Section 24 provides that a statement made by a bribe-giver in any proceeding against a public servant for an offence under sections 7 to 11, 13 and 15 of the Act shall not subject him to prosecution under section 12. Experience has shown that in a vast majority of cases, the bribe-giver goes scot free by taking resort to the provisions of section 24 and it becomes increasingly difficult to tackle consensual bribery. The aforesaid Convention enjoins that the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, be made a criminal offence. Accordingly, it is proposed to substitute a new section 8 to meet the said obligation;

(c) as the proposed new definitions of bribery, both as regards the solicitation and acceptance of undue advantage and as regards the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, are found to be comprehensive enough to cover all offences presently provided in section 8 which covers taking gratification, in order, by corrupt or illegal means, to influence public servant; section 9 which covers taking gratification, for exercise of personal influence with public servant; section 10 which provides for punishment for abetment by public servant of offences defined in section 8 or section 9; and section 11 which provides for public servant obtaining valuable thing without consideration from person concerned in proceeding or business transacted by such public servant; and also the offences presently defined in clauses (a), (b) and (d) of sub-section (1) of section 13 of the Act which covers criminal misconduct by a public servant, it is proposed to omit the said sections;

(d) it is proposed to substitute section 9 to provide punishment for the offence relating to bribing a public servant by a commercial organisation. A commercial organisation will be guilty of this offence if any person associated with it offers, promises or gives a financial or other advantage to a public servant intending to obtain or retain business or some advantage in the conduct of business for the commercial organisation. The proposed section 10 provides for punishment of persons in charge of a commercial organisation which has been guilty of the offence under the proposed section 9;

(e) section 12 at present provides for punishment for abetment of offences defined in section 7 or section 11. It is proposed to substitute section 12 of the Act to provide punishment for abetment of all offences under the Act;

(f) it is proposed to substitute sub-section (1) of section 13 with a new sub-section so as to omit the existing clauses (a), (b) and (d) of sub-section (1) as mentioned

above; to incorporate the element of intentional enrichment in the existing clause (e) relating to possession of disproportionate assets by a public servant; and to modify the definition of "known sources of income" as contained in *Explanation*, to mean income received from any lawful source, that is, by doing away with the requirement of intimation in accordance with any law, rules or orders applicable to a public servant;

(g) section 14 at present provides for habitual commission of offences under sections 8, 9 and 12. It is proposed to substitute section 14 of the Act to provide punishment for habitual commission of all offences under the Act;

(h) the Prevention of Corruption Act, at present, does not specifically provide for the confiscation of bribe and the proceeds of bribery. A Bill, namely, the Prevention of Corruption (Amendment) Bill, 2008, to amend the Prevention of Corruption Act, 1988, providing, *inter alia*, for insertion of a new Chapter IVA in the Prevention of Corruption Act for the attachment and forfeiture of property of corrupt public servants on the lines of the Criminal Law (Amendment) Ordinance, 1944, was introduced in the Lok Sabha on 19th December, 2008 and was passed by the Lok Sabha on 23rd December, 2008. However, the said Bill lapsed due to dissolution of the Fourteenth Lok Sabha. It is proposed to insert similar provisions on the lines of the 2008 Bill in the Prevention of Corruption Act;

(i) the Prevention of Corruption (Amendment) Bill, 2008 had proposed an amendment to section 19 of the Act on the lines of section 197 of the Code of Criminal Procedure, 1973 for extending protection of prior sanction of the Government or competent authority after retirement or demittance of office by a public servant so as to provide a safeguard to a public servant from vexatious prosecution for any *bona fide* omission or commission in the discharge of his official duties. The said Bill having lapsed, this protection is, at present, not available for a person who has ceased to be a public servant. Section 19 is, therefore, proposed to be amended to provide the said protection to the persons who ceased to be public servants on the lines of the said Bill. Further, in the light of a recent judgment of the Supreme Court, the question of amending section 19 of the Act to lay down clear criteria and procedure for sanction of prosecution, including the stage at which sanction can be sought, timelines within which order has to be passed, was also examined by the Central Government and it is proposed to incorporate appropriate provisions in section 19 of the Act;

(j) section 6A of the Delhi Special Police Establishment Act, 1946 contains a protection of prior approval of the Central Government in respect of officers working at policy making levels in the Central Government before any inquiry or investigation is conducted against them by the Delhi Special Police Establishment. The basic principle behind the protection under section 19 of the Prevention of Corruption Act, 1988 and section 6A of the Delhi Special Police Establishment Act, 1946, being the same, namely, protection of honest civil servants from harassment by way of investigation or prosecution for things done in *bona fide* performance of public duty, it is felt that the protection under both these provisions should be available to public servants even after they cease to be public servants or after they cease to hold sensitive policy level positions, as the case may be. Accordingly, it is proposed to amend section 6A of the Delhi Special Police Establishment Act, 1946 for extending the protection of prior approval of the Central Government before conducting any inquiry or investigation in respect of offences under the Prevention of Corruption Act, 1988, to civil servants holding such senior policy level positions even after they cease to hold such positions due to reversion or retirement or other reasons.

3. The Bill seeks to achieve the above objectives.

BILL NO. 122 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 325 of the Constitution, for the word "sex", the words "sex, poverty" shall be substituted.

Amendment
of article 325.

STATEMENT OF OBJECTS AND REASONS

India is one of the most successful democracy in the world. It adopts dignity and equality of individuals with other values as an idealistic values. Every citizen has the right to contest elections and exercise right to vote. During historical period, certain classes of people were deprived of taking part in power and decisions making. Society was engulfed with discriminations. However, from the very first day of the adoption of the Constitution, the aim of political justice has been achieved through provision of right to vote to every citizen of the country.

At present, Indian social structure has become more complex. A new class has come into existence as a result of financial complexities. The people belonging to low income groups have high probability of developing inferiority complex. There is a need to include the word "poverty" in article 325 so as to avoid discrimination on the ground of poverty including poor people in the general electoral roll.

Hence this Bill.

NEW DELHI;
April 12, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 136 OF 2016

A Bill to provide for special financial assistance to the National Capital Region for the purpose of harmonised and balanced development of growth-oriented infrastructure in all areas of National Capital Region.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the National Capital Region Act, 2016.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "National Capital Region" shall have the same meaning as assigned to it under clause (f) of section 2 of the National Capital Region Planning Board Act, 1985; and

2 of 1985.

(b) "Regional Plan—2021" means the Regional Plan notified by the National Capital Region Planning Board on 17th September, 2005 for the development of the National Capital Region under the National Capital Region Planning Board Act, 1985.

2 of 1985.

Special
financial
assistance to
National
Capital
Region.

3. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the Government of the National Capital Territory of Delhi and the Governments of the States of Haryana, Uttar Pradesh and Rajasthan to meet the costs of such development works as may be undertaken by the Government of the National Capital Territory of Delhi and the Governments of the States of Haryana, Uttar Pradesh and Rajasthan with the approval of Union Government for the purpose of—

(i) implementation of Regional Plan—2021;

(ii) improving the growth-supportive and environment-friendly infrastructure for balanced development of National Capital Region;

(iii) improving connectivity of National Capital Territory of Delhi with other districts of the National Capital Region by implementing new infrastructure projects and improving the existing roads and rail infrastructure;

(iv) improving public utilities like housing, power, water, sanitation, education and health care in the National Capital Region; and

(v) equitable relocation of resources and economic activities and equitable development of all sub-regions within the National Capital Region.

Act not to be
in derogation
of any other
law.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

As per 2011 census, 460.69 lakh people live in 168 towns (Comprising 22 Class-I and 13 Class-II cities and 7206 rural settlements) falling in the National Capital Region (NCR), which has an area of 34, 144 sq. km., NCR region is the most urbanized region in India with 62.6 per cent. urbanisation as per 2011 census. The rapid growth of urban population through migration has put heavy pressure on public utilities like water, power, housing, sanitation, transport, health, education, etc. in the National Capital Region. Due to unplanned expansion and constructions and encroachments in the NCR, some of the areas are susceptible to disaster.

Delhi is the largest contributor to GDP of NCR. Delhi is the main centre for providing services. Sub-regions of the States of Rajasthan and Uttar Pradesh are dominated by agriculture and region of the State of Haryana is a mixture of industry and service sector.

In a study by National Capital Region Planning Board (NCRPB) titled 'Economic Profile of NCR—2015' it has been found that share of sub-region of the State of Uttar Pradesh in GDP of NCR has been declining consistently. According to 2011 census, out of total of 6,226,491 rural workers in NCR, sub-region of the State of Uttar Pradesh has the maximum number of rural worker (2,513,152) and the National Capital Territory of Delhi has the lowest number of rural workers (130227). Thus, according to existing local socio-economic conditions of the sub-regions, there is an immediate need for providing common infrastructure *i.e.* power, highways, railways, over-bridges, etc. for balanced development of the NCR. National Capital Region is an integrated growth zone and it is necessary to modernise the non-farm activities and promote agro-based industries by building rural infrastructure in order to enhance per capita incomes and raise the living standards in a balanced manner.

As per recommendation made under the Master Plan for Delhi—1962, a statutory body for NCR, that is, the National Capital Region Planning Board (NCRPB) was set up in 1985 by the law of Parliament. After thirty-one years of setting up of NCRPB, there is huge gap between its target and achievements even for establishing basic infrastructure facilities to increase connectivity between the parts of Western Uttar Pradesh and NCT of Delhi. The existing current transportation network *i.e.* roads and railways has long way to go for accomplishing the mission envisioned during formation of board.

The NCR regional plan—2021, which was notified in September 2005, estimates total required investment of rupees 193752 crore for development of quality infrastructure in power, water, sewage and sanitation by 2021. This estimated investment amount excludes the investments for land development for residential/commercial/industrial/institutional projects.

It is, therefore, necessary that the Central Government should immediately provide special financial assistance to harness the overall development impulse of National Capital Region in order to make the entire region a region of global excellence as envisioned in NCR Regional Plan—2021.

Hence this Bill.

NEW DELHI;
April 12, 2016.

RAJENDRA AGRAWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special assistance to the National Capital Region to meet the costs of such schemes and projects for development, as may be undertaken by States Governments of Uttar Pradesh, Haryana and Rajasthan and National Capital Territory of Delhi with the approval of the Government of India.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. As the sums of money which will be given to National Capital Region as special financial assistance by appropriation by law made by Parliament will be known only after the developmental works which are to be implemented by the concerned Governments with the approval of the Central Government are identified, it is not possible at present to give the estimate of recurring expenditure which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL No. 137 OF 2016

A Bill to provide for protective measures to the agricultural and other rural workers against exploitation and for ensuring minimum wages, pension, provident fund facilities and financial compensation with paid leave in case of accidents, medical, maternity and creche facilities to women workers, education and nutrition for the children and such other welfare measures to be ensured by the State and for the establishment of a Welfare Authority and a Welfare Fund for such workers of the rural areas and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural and other Workers in Rural Areas (Protection, Incentives and Welfare) Act, 2016.

Short title and
extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural worker" means a person who works as a labourer on being hired or works in exchange, whether in cash or kind or partly in cash and partly in kind, in any of the agricultural or related operations of an employer, farmer or other person, as the case may be;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the National Agricultural and other Rural Workers Welfare Authority established under section 3;

(d) "employer" means any person who employs directly or through any other person or agent or contractor, whether on his own behalf or on behalf of any other person, one or more agricultural or other rural worker, for any work or work connected with the agricultural or horticulture operations or for any other work connected with village industries;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural worker" means a worker who works as artisan, weaver, potter blacksmith, in rural areas on hire or contract or in exchange whether in cash or kind or partly in cash and partly in kind for any other person or employer; and

(g) "Welfare Fund" means the Agricultural and other Rural Workers Welfare Fund constituted under section 5.

Establishment
of the
National
Agricultural
and other
Rural
Workers
Welfare
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the National Agricultural and other Rural Workers Welfare Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Madhepura in the State of Bihar and the Authority may establish regional and branch offices at other conspicuous places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) a Chairperson to be appointed by the Central Government having adequate experience, qualifications and knowledge of labour laws and issues related to working class or of agricultural operations or of the higher Judiciary at least of sessions level;

(b) a Deputy Chairperson to be appointed by the Central Government having such educational qualifications and experience as may be prescribed;

(c) five members to be appointed by the Central Government each to represent the Union Ministries of Agriculture, Finance, Labour and Employment, Rural Development and Social Justice and Empowerment;

(d) five Members of Parliament of whom three shall be from the House of the people and two from the Council of States to be nominated by the Presiding Officers of the respective Houses concerned;

(e) four members to be appointed by the Central Government from amongst the agricultural and other rural workers:

Provided that one such member shall be a woman;

(f) four members from amongst the agricultural and other rural workers to be nominated by the Government of the States which shall be rotated amongst the States in alphabetical order.

(5) The salary and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and members of the Authority shall be such as may be prescribed.

(6) The Authority in discharging of its functions and procedure to be followed during the meetings shall be such, as may be prescribed.

(7) The Authority shall have a Secretariat with such number of officers and other staff with such terms and conditions of service as may be prescribed from time to time.

4. (1) The Authority shall, for the purposes of this Act, promote and undertake by such measures as it thinks fit or deem necessary and expedient, welfare measures so as to provide protective measures to agricultural and rural workers from exploitation.

Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1) the welfare measures referred to therein may provide for:—

(a) maintaining district and village-wise register of all the agricultural and other rural workers, gender-wise, with such particulars, and in such manner as may be prescribed;

(b) maintaining land records and micro and small industrial units at homes or other places from village to district level in such manner and with such details as may be prescribed;

(c) maintaining district and village-wise register of employers of agricultural and other rural workers, as the case may be, with such particulars and in such manner as may be prescribed;

(d) maintaining village and district-wise list of doctors, dispensaries, clinics, health centres and hospitals for providing medicare facilities, both indoor and outdoor, with medicines to the agricultural and other rural workers;

(e) long term action plan for making work available throughout the year to the agricultural and other rural workers;

(f) payment of minimum wages fixed by the appropriate Government by each employer by setting up grievances redressal committees at conspicuous places;

(g) maternity and *creche* facilities with paid maternity leave and for making available necessary medicines, iron and multi-vitamin capsules for the female agricultural and other rural workers covered under this Act;

(h) financial compensation with paid leave in case of accidents of agricultural and other rural workers in such manner as may be prescribed;

(i) grant of old age pension to the agricultural and other rural workers covered under this Act;

(j) provident fund facility to the agricultural and other rural workers;

(k) educational and vocational training facilities to the children of agricultural and other rural workers free of cost;

(l) insurance cover for the agricultural and other rural workers covered under this Act for such works and in such manner as may be prescribed;

(m) regular supply of meals and nutrition for the children, old and incapacitated agricultural and other rural workers; and

(n) such other provisions as the Authority may deem necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute the Agricultural and other Rural Workers Welfare Fund with an initial corpus of ten thousand crore rupees to be provided by the Central Government by due appropriation made by Parliament by law in this behalf and Governments of the States shall contribute to the Welfare Fund to such extent and in such manner as may be prescribed.

Constitution
of the
Agricultural
and other
Rural Workers
Welfare Fund.

(2) The Welfare Fund may also receive moneys from body corporates, financial institutions, both domestic and international ones, firms, partnerships, individuals and other bodies in the form of contributions or donations, as the case may be.

(3) The Welfare Fund shall be utilized for the welfare of agricultural and other rural workers covered under this Act in such manner and for such purposes as may be prescribed.

Miscellaneous provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every employer to:—

(a) engage only such workers who have registered themselves with the Authority;

(b) pay minimum wages to the workers engaged by him or such wages in cash or kind as may be voluntarily agreed to by such workers;

(c) not to deduct the wages in case of accident or illness or maternity stage of his workers;

(d) give rest and leave to his workers from time to time.

(2) The appropriate Government shall provide necessary assistance to the Authority in carrying out the provisions of this Act within the territorial Jurisdiction of such Government.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law made in this behalf, provide, from time to time the requisite funds to the States and Union territories and for expenditure of the Secretariat and other purposes of this Act.

Annual Report.

8. The Authority shall prepare and submit an Annual Report in such manner and in such form as may be prescribed, of its activities, achievements and shortfalls, if any, pertaining to the welfare and protection of agricultural and other rural workers covered under this Act to the President of India, who shall cause the Report to be laid in both Houses of Parliament along with action taken by the Central Government thereon after its receipt, as soon as may be, but within three months of the receipt thereof.

Penalty.

9. Notwithstanding anything contained in any other law for the time being in force, whoever contravenes simple imprisonment which may extend to six months and also with fine which may extend to four lakh rupees.

Act to have overriding effect and to supplement other laws.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to any matter dealt with by this Act.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our is an agriculture based country and economy as around eighty per cent. of our population lives in rural areas and are involved in agriculture activity in one way for the other. The agriculture sector generate maximum employment opportunities in comparison to other sectors of economy. As a result, crores of agricultural workers in the country including women constitute a major chunk of this workforce. Similarly, there are village industries which also provide substantial employment opportunities in rural India. However, the agricultural and rural workers are still unorganised and, as a result, they remain exploited throughout their lives. It has been observed that in the organised sectors there are trade unions and associations to take care and protect the interests of their workers who get their genuine demands fulfilled by their employers and also get the welfare measures implemented but the unorganised agricultural and rural workers do not even get their reasonable and just demands fulfilled by their employers. They are denied minimum wages, provident fund, pension, maternity benefits, *creche* facility, medical care, accident insurance, rest, leave, etc. There is no guarantee of work round the year or for majority of days during the year. Policy of hire and fire is applied at the whims and fancy of the employers. As a result the agricultural and other rural workers remain exploited, poverty-stricken and indebted throughout their lives. When there is natural calamity, their living condition goes from bad to worse and they do not even get two square meals a day. It is matter of serious concern that their condition is going from bad to worse and their is no legal protection for these hapless workers. Though the centre has initiated a legislation for unorganized workers but it does not cover most of the issues of the agricultural and other rural workers.

Ours is a welfare State and it is the sacred duty of the State to protect the poor agricultural and other rural workers by extending protective umbrella to them and initiating welfare measures for them so that they too get their share of the development of the nation.

Hence this Bill.

NEW DELHI;
April 13, 2016

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Agricultural and other Rural Workers Welfare Authority. Clause 5, provides for the constitution of the Agricultural and other Rural Workers Welfare Fund with an initial corpus of ten thousands crore rupees to be provided by the Central Government and thereafter, the Central and State Governments will contribute to the Welfare Fund. Clause 7 makes it obligatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crores may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees five thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 120 OF 2016

A Bill to provide for the promotion of cycling by way of giving incentives to the employees by employers including Government, providing subsidy on purchase of bicycles to the general public and for the provision of compulsory dedicated cycle corridor along major public roads and highways in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Cycling and Provision of Dedicated Cycle Corridor along Major Roads and Highways Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different—

(a) provisions of this Act;

(b) areas; and

(c) roads or highways.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government; and

(b) "prescribed" means prescribed by rules made under this Act.

Appropriate Government to promote cycling and provide dedicated cycle corridors.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to promote eco-friendly and healthy practice of cycling and provide dedicated cycle corridors along major roads and highways passing through its territorial jurisdiction in such manner as may be prescribed.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government may for the purposes of this Act,—

(a) provide subsidy to the general public for purchasing bicycles;

(b) give incentives and attractive cycle allowance to its employees for using bicycles while commuting to office and back home;

(c) consider giving tax exemptions to promote cycling;

(d) provide and construct dedicated cycle tracks along arterial streets, main roads and highways;

(e) make provision for compulsory cycle lanes along all major roads including flyovers;

(f) prepare and implement bicycle master plans for major cities and urban areas;

(g) focus on the bicycle as a mode of transport;

(h) ensure that cycle tracks are not taken over for unauthorised parking by motor vehicles or to become dumps for waste; and

(i) make such other provisions as it may deem necessary and expedient for the purposes of this Act.

Power to remove difficulties.

4. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order shall be final and binding.

Act to supplement other laws.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the States and Union Territories for implementing the provisions of this Act.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

These days environmental pollution is the hot topic of debates on television channels, newspapers, magazines and other fora. The National Capital Region (NCR) have been dubbed as one of the most polluted region in the world. The Judiciary has observed that we are living in the gas chamber. In an effort to meet the twin objectives of limiting vehicular pollution and curbing road congestion Delhi Government wants to promote cycling by giving subsidy for bicycle purchases. But unfortunately Delhi's urban culture refuses to recognize the bicycle as a mode of transport. This is mainly because there is lack of cycle readiness of the capital and NCR roads. There are only a few dedicated lanes for cycling and even they are not fit for cycling for various reasons. The streets are also dangerous for cyclists because buses and cars do not respect their rights. Cycles are not given way on main roads and they are often at risk when attempting to evade the heavy flow of traffic. This kind of situation prevails not only in the National Capital and NCR but throughout the country.

This situation exist despite the fact that our country is the second largest bicycle producing country in the world after China and this 1.5 billion dollar industry produced nearly 15.5 million bicycles in 2012-13 that is 10 percent of the total bicycles manufactured globally and employed about one million people. But despite these figures cycling as an alternative mode of urban transport has not really taken off in our country. Around half a century ago almost sixty per cent of road trips in the National Capital involved bicycles but today experts reckon they constitute at best four per cent of the city's commuters.

However, it is not the case everywhere. Some cities across the globe have made it easier to ride bicycles. Ten famous cities of the globe which have bicycle lanes, dedicated bicycle only paths and drivers who are generally more than willing to share the road are Copenhagen and Amsterdam in Denmark; Utrecht and Eindhoven in Netherlands; Strasbourg, Nantes and Bordeaux in France; Malmö in Sweden; Antwerp in Belgium and Seville in Spain. Germany has recently become the first nation in the globe to start cycle highways with all the necessary facilities. There are separate lanes, each lane is 13 feet wide with provision to overtake. There are no red lights along the highways and bicycle rider can ride at high speed as he desires.

The success of odd and even car number formula in the National Capital has again proved that where there is a will there is a way. Promoting cycling to contain environmental pollution is also possible for which several steps are needed to be undertaken.

Hence this Bill.

NEW DELHI;
April 13, 2016.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides, *inter alia*, giving a subsidy to general public for purchasing bicycles and giving of incentives to employees for commuting by bicycles.

Clause 6 makes it mandatory for the Central Government to provide adequate funds to the States and Union territories for implementing the provisions of the Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one lakh crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees two lakh crore is also likely to be involved for creation of assets throughout the country.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 114 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016.

Short title.

2. In article 72 of the Constitution, after clause (3), the following clause shall be added, namely:—

Amendment
of article 72.

"(4) Nothing in this article shall apply to the punishment or sentence of any person convicted of—

(i) waging, or attempting to wage war, or abetting waging of war, against the Government of India; or

(ii) conspiracy to wage war against the Government of India by means or criminal force or show of criminal force within or outside India; or

(iii) collecting arms with intention of waging war against the Government of India; or

(iv) concealing the existence of a design to wage war or facilitating the waging of such war against the Government of India."

STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution empowers the President of India to grant pardon, etc., and to suspend, remit or commute sentence in certain cases.

However, cases like attack on Parliament House in the year 2001 and later attack on Mumbai known as 26/11 attack in the year 2008 have been held as acts of waging war against India by the Supreme Court. Afzal Guru, the convict in the case of attack on Parliament made a clemency petition to the President. Ajmal Kasab, the accused of Mumbai attack, also made a clemency petition to the President. Yakub Menon, the convict in the case of Mumbai serial blasts, 1993, had also made a clemency petition to the President. In all the cases, the clemency petitions were not allowed by the President. But such clemency petitions cause delay in justice and provide time to the convicts.

The acts of violence perpetrated by the above accused amount to waging war against India and, therefore, should not be considered on par with other offences. The feeling of law-abiding citizens of India is that the sentence be executed immediately and such convicts should not be given the benefit of exceptional provision in the Constitution of India.

Therefore, the provision of President's discretion of pardoning or suspending the sentence pronounced by the Supreme Court of India should not be available to persons convicted of offence like waging of war against Government of India.

Hence this Bill.

NEW DELHI;

SUNIL KUMAR SINGH

April 13, 2016

BILL NO. 130 OF 2016

A Bill to provide for the welfare of sculptors and artists in rural areas and for matters connected therewith

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Sculptors and Artists of Rural Areas Welfare Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “artist” means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skills to public in rural areas;

(b) “Board” means the National Sculptors and Artists of Rural Areas Welfare Board constituted under section 4;

(c) "Fund" means the National Sculptors and Artists of Rural Areas Welfare Fund constituted under section 3;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "sculptor" means any person engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in rural areas for earning his livelihood.

Constitution
of the
Sculptors and
Artists of
Rural Areas
Welfare Fund.

3. (1) The Central Government shall constitute a Fund to be known as the National Sculptors and Artists of Rural Areas Welfare Fund.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed.

Constitution
of the
National
Sculptors and
Artists
Artisans of
Rural Areas
Welfare
Board.

4. (1) The Central Government shall constitute a Board to be known as the National Sculptors and Artists of Rural Areas Welfare Board.

(2) The Board shall consist of following members, namely:—

(a) the Union Textile Minister who shall be its Chairperson, *ex-officio*;

(b) five members representing the Non-Governmental Organisations working for the welfare of sculptors and artists in rural areas, to be appointed by the Central Government; and

(c) five members representing the sculptors and artists in rural areas, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of, members of the Board shall be such, as may be prescribed by the Central Government.

Functions of
the Board.

5. (1) The Board shall administer the Fund for the welfare of sculptors and artists of rural areas.

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors and artists in the event of death during work;

(b) payment of premium for life insurance;

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors and artists and their family members;

(f) housing facility at subsidised rate; and

(g) financial assistance to sculptors and artists for production and marketing of their products and organization and advertisement of events.

Annual
Report.

6. The Board shall submit every year a report, in such form and manner, as may be prescribed, of its activities to the Central Government.

Power to make
rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The sculptors and artists working in the rural areas are living in miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood. Several generations of these sculptors and artists have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

In rural areas, the traditional folk arts are popular means of entertainment. But with the invasion of television, it is increasingly becoming difficult for them to earn their livelihood. Even today, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

The Bill seeks to achieve the above objectives.

NEW DELHI;
April 13, 2016.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Fund for the welfare of sculptors and artists in the rural areas. Clause 4 provides for constitution of a Board to administer the National Fund for the Welfare of Sculptors and Artists in the rural areas. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 115 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court of Rajasthan at Karauli.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court of Rajasthan (Establishment of a Permanent Bench at Karauli) Act, 2016. Short title.

2. There shall be established a permanent Bench of the High Court of Rajasthan at Karauli and such Judges of the High Court of Rajasthan, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Karauli in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Karauli, Dholpur, Dausa, Bharatpur and Swai Madhopur.

STATEMENT OF OBJECTS AND REASONS

Since the time a Bench of the High Court of Rajasthan, which is functioning at Jodhpur, was established at Jaipur, there has been a demand for the establishment of a permanent Bench of the High Court at Karauli.

Rajasthan is one of the largest States and Karauli is a divisional headquarter which is situated in the eastern part of Rajasthan.

The number of pending cases of Karauli division in the High Court are numerous. Besides, in a large number of cases, the Government of the State of Rajasthan or its various departments or some Public Sector Undertakings or autonomous bodies under it happen to be a party. Therefore, establishment of a permanent Bench at Karauli will not only reduce unnecessary expenditure from the public exchequer but would also benefit the people from Karauli, Dholpur, Dausa, Bharatpur and Swai Madhopur.

Hence this Bill.

NEW DELHI;
April 13, 2016.

MANOJ RAJORIA

BILL NO. 128 OF 2016

A Bill to provide for the welfare of freedom fighters and their families and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom Fighters and their Families (Welfare) Act, 2016. Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Freedom Fighters Welfare Authority established under section 3;

(b) "family" means spouse, parents, sons and daughters of the freedom fighters;

(c) "freedom fighter" means any person who has participated in the freedom movement or has undergone imprisonment in connection with the freedom movement; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment
of the
Freedom
Fighters
Welfare
Authority.

3. (1) The Central Government shall, by notification in the Official Gazette, establish an authority to be known as the Freedom Fighters Welfare Authority in every district of the country.

(2) The composition of the Authority and terms and conditions of service of the members of the Authority shall be such as may be prescribed.

Functions of
the Authority.

4. The Authority shall—

(i) maintain a register of freedom fighters and the members of their families residing in that district;

(ii) formulate plans and schemes for the welfare of the freedom fighters and their families;

(iii) identify and remove the names illegally included in the list of names of freedom fighters; and

(iv) recommend action against persons giving *mala fide* and incorrect statements or making disgraceful or insulting remarks or publishing distorted facts in books or newspapers or in any other media about freedom fighters.

Facilities to be
provided to
freedom
fighters and
their families.

5. The Central Government shall provide to every freedom fighter and his family, as the case may be, the following facilities, namely:—

(a) subsistence allowance of rupees fifteen thousand per month and such other financial assistance as may be prescribed;

(b) free health care facilities;

(c) free housing facility;

(d) free education including technical education to the dependant children of the freedom fighters;

(e) gainful employment;

(f) vocational training;

(g) free pass for travelling in AC first class in Railways and other public and private owned transport; and

(h) such other facilities as may be necessary for the all-round development and welfare of freedom fighters and their families.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Freedom fighters have played an important role in the independence of our country. It is only because of the struggle of freedom fighters that we are the citizens of a free India today. Today freedom fighters, who made great sacrifices putting their lives at stake and inspired the country for freedom, are leading a very hard life in an independent India. The pension that they receive from the Government is meager. They are not able to sustain themselves properly with the amount of pension they are receiving. They have been facing financial hardship. They do not have any housing facility for themselves or their dependant children and they are unable to get any special financial help for the treatment of chronic diseases as a result of which they die for want of proper treatment.

Further writers are presenting distorted facts about freedom fighters in Government and private publications. There are many authors who do not have complete and correct information about freedom fighters, yet they write unrealistic articles about freedom fighters. They are presenting wrong facts about freedom fighters and making illusive statements, as a result of which the citizens of the country including the families of freedom fighters are suffering mental agony. This not only causes disrespect and insult to the freedom fighters, but also brings disgrace to the nation.

Even today, there are many names in the list of freedom fighters who had no connection with the freedom struggle, but still their names have been included in the list in an illegal manner.

It is, therefore, necessary to bring legislation for the welfare and safeguard of freedom fighters and their families.

Hence this Bill.

NEW DELHI;
April 13, 2016.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Freedom Fighters Welfare Authority by the Central Government in every district of the country. Clause 4 provides that the Freedom Fighters Welfare Authority shall formulate plans and prepare schemes for the welfare of the freedom fighters and their families and that they will also register the names of all freedom fighters and their families in their respective jurisdiction. Clause 5 provides that the Central Government shall provide to all freedom fighters and their families financial assistance of rupees fifteen thousand every month, free medical care and such other facilities as are necessary for their appropriate development and welfare.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees three hundred crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of about rupees sixty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 132 OF 2016

A Bill to provide for the formulation and implementation of a comprehensive national policy for ensuring overall development of the dalit youth belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes and oppressed categories and for their welfare to be undertaken by the Central Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Dalit, Backward and Oppressed Youth (Development and Welfare) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) 'appropriate Government' means in the case of a State, the Government of the State and in all other cases, the Central Government;

(b) 'backward' means those youth belonging to castes which have been declared, by notification in the Official Gazette, as backward by the appropriate Government from time to time;

(c) 'dalit youth' means a youth belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be;

(d) 'oppressed youth' means a youth who has been a victim of any cruelty or discrimination for the reason that he professes any faith or religion other than the religion or faith professed by majority of persons in that State or belongs to a caste not covered in the Scheduled Castes or a victim of poverty, as the case may be;

(e) 'prescribed' means prescribed by rules made under this Act; and

(f) 'youth' means any person who has attained the age of eighteen years but is not above the age of forty-five years.

Formulation
of
comprehensive
national
policy.

3. (1) The Central Government shall, as soon as may be, formulate a comprehensive national policy for the overall development and welfare of the dalit, backward and oppressed youth of the nation.

(2) without prejudice to the generality of the provisions of sub-section (1), the national policy may provide for—

(a) free higher education including medical, technical and information technology education;

(b) free coaching training for admission to management courses with assured admission in management institutes of repute;

(c) books, stationery, equipment and educational gadgets free of cost;

(d) scholarships in deserving cases;

(e) hostel facilities free of cost;

(f) free public transport facilities;

(g) monthly pocket expenses allowances at such rate as may be prescribed;

(h) free entertainment facilities;

(i) free access to all libraries and technical institutions;

(j) training in sports to every eligible youth covered under this Act and facilities and appropriate incentives to participate in sports activities, events and tournaments in and outside the country;

(k) provision of free of cost healthy and nutritious meals to all the student youth covered under this Act in the schools, colleges, universities, hostels and technical institutions;

(l) free medical and healthcare;

(m) apprenticeship in business, trade, vocation etc. in factories and commercial establishments;

(n) military training to physically fit youth covered under this Act and those successfully completing training to be given preference for recruitment in defence services;

(o) free of cost coaching and study material for all India Services and other competitive examinations which are conducted by Union Public Service

Commission, State Public Service Commissions and other examination bodies such as of Railways, Banks, Staff Selection Commission and other bodies of the Government of the Centre, States and Union territories; and

(p) such other facilities, incentives and welfare measures as may prescribed from time to time.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall provide gainful employment to the youth covered under this Act as per their ability and qualification.

Employment and unemployment allowance.

(2) If the appropriate Government fails to provide gainful employment, the youth shall be paid unemployment allowance on monthly basis at such rate, as may be prescribed, till he is given gainful employment.

5. (1) The appropriate Government shall—

Miscellaneous provisions.

(i) appoint expert committees in the capital of every State and Union territory and in every district for carrying out the purposes of this Act;

(ii) promote youth cooperatives such as village industry ventures, dairy projects, food processing, poultry, fair price shops, LPG distribution at village or district level to provide self employment to youth belonging to dalits, backward and oppressed classes and provide requisite financial assistance and guidance to them for procuring raw materials and promoting marketing;

(iii) ensure availability of requisite credit at nominal rate of interest from the Banks and other Financial Institutions to the youth covered under this Act for their self employment project; and

(iv) extend such other welfare measures to the youth covered under this Act as it may deem appropriate and necessary for carrying out the purposes of this Act.

6. The Central Government shall, after due appropriation made by Parliament by law, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide requisite funds.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The youth are the strength of a strong nation and are capable of substantially influencing polity. In recent times, youth have transformed some monarchies into Republics by overthrowing monarchical power. As such, youth are always at the centre stage of socio-political activities of every country and similar is the position in our nation. To maintain this strength, a clear youth policy is required to rid the country of problems related to education, poverty, nutrition, employment opportunities, self employment, vocational training, health, sports etc. The country at present has no institutional mechanism to harness the potential of our youth and channelize their energy for the betterment of the country. The plight of the youth belonging to backward communities such as Scheduled Castes, Scheduled Tribes and Other Backward Classes who have been oppressed for centuries is even worse. Even today the Dalit youth have to face social ostracization; though thanks to the reservation policy propounded by Babasaheb Dr. B. R. Ambedkar, many of them have made some progress, but youth of the backward classes still require special attention because there is need to instill a sense of belonging among them by providing them all opportunities for their overall development so that they too can contribute to the progress of the country to their full potential. The facilities and opportunities should be provided as a matter of right and it should not be allowed to remain a privilege of the elite only. Employment needs to be guaranteed to them and if employment opportunities are not provided to them, they have to be given unemployment allowance. They have to be linked directly to the production processes by eliminating disparities between rural and urban youth. For this, a comprehensive national policy is an absolute necessity.

Hence this Bill.

NEW DELHI;
April 13, 2016.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a national policy for the dalit, backward and oppressed youth under which various facilities are to be provided to such youth. Clause 4 provides for employment opportunities and payment of unemployment allowance by the Government. Clause 5 provides for promoting youth co-operatives such as village industry ventures, dairy projects, food processing etc. at village and district level and requisite financial assistance; requisite credit at nominal rate of interest from banks and other financial institutions and other welfare measures to the youth. Clause 6 makes it mandatory for the Central Government to provide requisite funds to carry out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore may be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees twenty thousand crore may also be involved for creating assets and infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 129 OF 2016

A Bill to provide for payment of pension to old age citizens.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Old Age Pension Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "old person" means any person who has attained the age of sixty-seven years; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) Every old person who is a citizen of India shall, on an application made in the prescribed form, be paid rupees two thousand per mensem as pension, by the appropriate Government.

Pension to old age persons.

(2) The pension payable shall be subject to such revision, on the basis of the prevailing cost of living index, as may be determined from time to time by the Central Government.

(3) The pension referred to in sub-section (1) shall be disbursed to old persons, by the appropriate Government through Government Treasury or such nationalized bank, as may be prescribed by the Central Government:

Provided that an old person who is receiving pension from the appropriate Government or who has some source of income which is more than the amount given under this Act shall not be eligible for pension under this Act.

4. (1) The Central Government shall constitute a Fund to be known as the Old Persons Pension Fund for carrying out the purposes of this Act.

Constitution of Old Persons Pension Fund.

(2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India's social security system is woefully inadequate in comparison even to third world economies. Some States in India have social security schemes but the scale of benefits is modest. The Indira Gandhi Old Age Pension Scheme of the Central Government covers only old age persons living below poverty line. Moreover, the pension amount paid at the rate of rupees two hundred per month is a meagre amount to meet the bare need of food of pensioners. Today, we find that millions of senior citizens who do not have sufficient means or any support system have to lead a life full of hardships. These people, who are without any source of income, live in hunger and loneliness without anyone to take care of their needs. Ours is a welfare State. It is the foremost duty of the State to provide for a universal pension scheme for old age persons.

The Bill seeks to achieve the above objective.

NEW DELHI;
April 13, 2016.

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees two thousand per month to such old persons who have attained the age of sixty-seven years or more. Clause 4 provides for the constitution of Old Persons Pension Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 155 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title. **1.** This Act may be called the Constitution (Amendment) Act, 2016.

Amendment of **2.** In article 15 of the Constitution, after clause (2), the following clause shall be
article 15. inserted, namely:—

“(2A) No citizen shall, on ground of sex, be denied access to any place of religious worship.

Explanation.— For the purpose of this clause, the expression ‘place of religious worship’ means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called.”.

STATEMENT OF OBJECTS AND REASONS

Of late, there has been a controversy that women are not allowed into *sanctum sanctorum* of many temples in the country. The recent examples are *Sabarimala temple* in the State of Kerala and *Shani temple* at Shignapur in the State of Maharashtra. When women protested against such discriminatory practice, the past conventions and hereditary practices were mentioned as the reason for prohibiting them to enter the *sanctum sanctorum* of religious places. When Constitution came into effect, this ancient discriminatory practice should have specifically been done away with. However, this was not done at that time. The Bill, therefore, seeks to amend the Constitution with a view to provide that there shall be no discrimination on the ground of sex in the matter of access to religious places opened for general public.

Hence this Bill.

NEW DELHI;
April 18, 2016.

RAHUL SHEWALE

BILL NO. 154 OF 2016

A Bill further to amend the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2. **2.** In section 2 of the Protection of Children from Sexual Offences Act, 2012, in sub-section (1), for clause (d), the following clause shall be substituted, namely :— 32 of 2012.

‘(d) “child” means any person below the age of eighteen years and shall include, irrespective of age, all such persons who are mentally retarded or physically or visually handicapped or incapable of fending off themselves;’.

STATEMENT OF OBJECTS AND REASONS

The Protection of Children from Sexual Offences Act, 2012 provides for deterrent punishment for abusing a mentally ill child below the age of eighteen years or when the abuse is committed by a person in a position of trust or authority. The same legal protection is needed for persons who are physically major but with mental capacity of a 'minor' or mentally retarded or physically or visually handicapped, making it impossible for such persons to defend themselves or to fend off ill-intended approaches.

The law must reach out to such persons and provide for their protection and for harsh punishment for sexual assault or abuse of such persons.

Hence this Bill.

NEW DELHI;
April 18, 2016.

MULLAPPALLY RAMACHANDRAN

BILL NO. 159 OF 2016

A Bill to amend the Disaster Management Act, 2005.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Disaster Management (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint .

Amendment of
section 11.

2. In section 11 of the Disaster Management Act, 2005 (hereinafter referred to as the principal Act), —

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) While preparing the National Plan, the National Executive Committee shall take into consideration —

53 of 2005.

(i) the native and traditional knowledge, if available, regarding preparedness of the disaster plan; and

(ii) the successful disaster plans of other countries."; and

(b) in sub-section (3), after clause (a), the following clause shall be inserted, namely:—

"(aa) measures to identify the vulnerability of different areas of the country to different forms of disaster;".

3. In section 35 of the principal Act, in sub-section (2), after clause (h), the following clauses shall be inserted, namely:— Amendment
of section 35.

"(ha) framing of guidelines for disaster resilient construction of buildings;

(hb) ensuring that all constructions in the seismic zones are earthquake resilient;

(he) taking such remedial measures in consultation with the concerned State Government as are necessary, in regard to vulnerable buildings in the seismic zones, which shall include hospitals, hotels, schools and educational institutions, multistorey buildings and high rise residential complexes;

(hd) ensuring that all buildings compulsorily comply with directions for earthquake resilience; and

(he) compulsory licensing of buildings and obtaining clearance certificates before construction of new multistorey buildings.".

STATEMENT OF OBJECTS AND REASONS

The Disaster Management Act, 2005 was enacted to provide for the effective management of disasters in the country. Preparedness by Government and society for all eventualities that may arise due to natural disasters like earthquakes, floods etc. and to work towards minimizing the death, injury and loss is still to be crystallised.

The need is to identify the areas which are vulnerable to disasters in the country. It is also of utmost importance that the native and traditional knowledge about the preparedness of natural disasters be taken into consideration.

To ensure structural strength of constructions that are already existing or that are in the process of construction or that are proposed to be constructed, especially hospitals, hotels, schools and multistoried residential complexes, the intervention of Government pertaining to disaster resilient construction of building is urgently required.

Hence this Bill.

NEW DELHI;
April 18, 2016.

MULLAPPALLY RAMACHANDRAN

BILL NO. 157 OF 2016

A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (h), after the words "sixty years or above", the words "and shall include, irrespective of age, any elderly person or parent who is unable to operate his bank account or attend matters relating to his property due to age, disease or disability" shall be inserted; and

(ii) in clause (k), for the words "health care", the words "shelter, mental and physical health care" shall be substituted.

Amendment
of section 4.

3. In section 4 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

“(3A) Notwithstanding anything in sub-sections (1) to (3), a senior citizen or parent shall be entitled to make an application under section 5 against one or more of his grandchildren if the children of such senior citizen or parent are either dead or themselves entitled to make an application under section 5 by virtue of sub-section (1).

(3B) The maintenance of parents or grandparents under this section shall be the obligation of those children who are entitled to receive the benefits of inheritance or succession under the statutory law or personal law, as the case may be.”.

Amendment
of section 17.

4. In section 17 of the principal Act, the following proviso shall be added at the end, namely:—

"Provided that the senior citizen including parent or grandparent shall have the right to be represented by a legal representative.”.

Amendment
of section 24.

5. In section 24 of the principal Act, for the words "shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both", the words "shall be punishable with rigorous imprisonment which may extend upto five years or fine which may extend upto one lakh rupees or with both" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution. However, several thousand cases of utter neglect or even abandoning of elders by members of family are continuing to be reported daily.

Just as the children have the right to education and married women have the right to maintenance, the elderly need a right to be maintained and provided with the basic essentials of life. The responsibility rests on the children, grandchildren or next of kin of the aged persons. However, such responsibility should be fixed in accordance with the right of succession as per personal or other laws applicable to them.

Every old age person needs care and protection and the responsibility should be casted upon society and Government with fear of punishment in case of failure.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to—

(a) include any elderly person or parent who is unable to operate his bank account or attend matters relating to his property due to age, disease or disability within the definition of ‘senior citizen’ under section 2;

(b) include shelter and physical and mental healthcare within the definition of ‘welfare’ under section 2;

(c) entitle a senior citizen or parent to make an application for maintenance against one or more of his grandchildren if the children of such senior citizen or parent are either dead or themselves entitled to make an application for maintenance;

(d) put an obligation on children who are entitled to receive the benefits of inheritance or succession to maintain their parents or grandparents;

(e) provide a right to the senior citizen including parent or grandparent to be represented by a legal representative; and

(f) enhance the penalty for abandoning senior citizens.

Hence this Bill.

NEW DELHI;
April 22, 2016.

MULLAPPALLY RAMACHANDRAN

BILL NO. 161 OF 2016

A Bill to provide for protection of and welfare measures for handloom weavers and workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Handloom Weavers (Welfare) Act, 2016.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the National Handloom Weavers Welfare Authority constituted under section 3;

(c) "Fund" means the Handloom Weavers Welfare Fund constituted under section 5;

63 of 1948.

(d) "handloom" means any loom used for production of cloth other than the powerloom as defined in clause (g) of section 2 of the Factories Act, 1948;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "weaver" means a person engaged in the production of cloth on a handloom and includes a person who owns, works or operates on a handloom for the production of cloth; and

(g) "worker" means a handloom worker engaged by a weaver and who earns wages on daily or any other basis by working on handloom.

3. (1) The Central Government shall, as soon as may be, by notification in Official Gazette, constitute an Authority to be known as the National Handloom Weavers Welfare Authority for carrying out the purposes of this Act.

Constitution
of the
National
Handloom
Weavers
Welfare
Authority.

(2) The Authority shall consist of—

(a) a Chairperson having adequate knowledge and professional experience in handloom sector;

(b) a Deputy Chairperson with such qualification, as may be prescribed;

(c) three members to represent handloom cooperatives;

(d) three members to represent the handloom weavers;

(e) four members to represent the Union Ministries of Finance, Planning, Labour and Employment and Textiles,

to be appointed by the Central Government in such manner, as may be prescribed;

(f) five members of Parliament, of whom three shall be from Lok Sabha and two shall be from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses; and

(g) four members to be nominated by the Government of the States on rotation basis in alphabetical order.

(3) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

(4) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such as may be prescribed.

(6) The headquarter of the Authority shall be at New Delhi.

(7) The Authority may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

(8) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

Functions of
the Authority.

4. (1) The Authority shall, in coordination with the State Governments take, steps for the overall welfare of weavers including, removal of poverty and indebtedness, raising the standard of living, modernizing the looms and making easy availability of raw materials at affordable prices and marketing of handloom cloth.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

- (a) formulate and implement welfare policy for the handloom weavers and workers;
- (b) maintain a district-wise register of handlooms, handloom weavers and workers with such particulars and in such manner as may be prescribed;
- (c) regulate the service conditions of workers in such manner as may be prescribed;
- (d) fix minimum wages for handloom workers from time to time;
- (e) ensure modernization of old handlooms;
- (f) encourage and provide all necessary assistance to handloom weavers cooperatives;
- (g) organise exhibitions, melas and such other activities to promote handloom sector in different parts of the country;
- (h) make suitable arrangements for purchase of handloom cloth by Government agencies on cash and carry basis;
- (i) encourage export of handloom cloth and handloom garments; and
- (j) perform such other functions as may be assigned to it by the Central Government from time to time.

Constitution
of the
Handloom
Weavers
Welfare Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Handloom Weavers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance or otherwise from individuals and organisations.

(4) The Fund shall be utilized for the following purposes:—

- (a) providing interest free consumption loans to handloom weavers and workers;
- (b) making *ex-gratia* payments at prescribed rates to each of the bereaved families of handloom weavers who die in harness;
- (c) providing loans at nominal rate of interest for purchasing cotton yarn and other necessary raw materials to the handloom weavers;
- (d) providing insurance cover to handlooms, handloom weavers and workers;
- (e) providing healthcare facilities to the handloom weavers and workers and their dependent family members;
- (f) providing educational facilities and vocational training to the wards of weavers and workers; and
- (g) such other welfare measures as may be prescribed.

6. (1) It shall be the duty of the Central Government to ensure regular supply of yarn to the handloom weavers at affordable and subsidized rates. Central Government to ensure regular supply of yarn.
- (2) It shall be compulsory for all Ministries, Departments, subordinate Offices under the appropriate Government and Public Sector Enterprises to purchase their entire cloth requirements exclusively from the primary handloom weavers.
- (3) The appropriate Government shall take steps to minimize the export of cotton and cotton yarn.
7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority such sums as may consider necessary for the efficient functioning of the Authority. Central Government to provide Funds.
8. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government. Annual Report.
- (2) The Central Government shall cause the report submitted to it under sub-section (1) to be laid before each House of Parliament.
9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.
- Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.
- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.
10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act. Act not in derogation of any other law for time being in force.
11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Handloom industry, the largest segment in the unorganized sector, has a unique place in our economy. This sector has sustained by transferring skills from one generation to another. The strength of the sector lies in its uniqueness, flexibility of production, openness to innovations, adaptability to the supplier's requirement and the wealth of its tradition. Adoption of modern techniques and economic liberalization, however, has had a serious impact on the handloom sector. Competition from powerlooms and mill sector, availability of cheaper imported fabrics, changing consumer preferences and alternative employment opportunities have threatened the vibrancy of the handloom sector. The sector provides employment to 43.31 lakh persons engaged in about 23.77 lakh handlooms.

There are multiple problems that dog handlooms. The sector is not doing very well and it is on the verge of collapse and extinction. The foremost reason for this is non-availability of cotton yarn at affordable prices and non-availability of loans at low interest rate from banks and other financial institutions to handloom weavers for purchasing of raw material and other necessary items. The most disturbing and sad part is that most of the handloom weavers are in debt and committing suicides because of their indebtedness and poverty. The problem is further compounded by powerful lobbying from the powerloom barons. Handloom weavers have been at the negative end of the changes wrought in by globalization, consequent Government policies and transient socio-economic conditions. For decades, most handloom weavers never had any access to various policies and schemes meant for their growth and benefit. On the other hand, Government departments and implementing agencies do not have adequate information and data that would have helped in increasing the reach of such programmes and policies. There is widening gap between policy formulation and implementation.

It has, therefore, been proposed to constitute a National Handloom Weavers Authority to take steps for welfare and overall development of weavers and workers engaged in handloom sector and for promotion and effective implementation of policies of handloom sector in the country.

Hence this Bill.

NEW DELHI;
April 25, 2016.

BOORA NARSAIAH GOUD

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the National Handloom Weavers Welfare Authority. Clause 4 provides for certain steps to be taken by the Authority for welfare of handloom weavers and workers. Clause 5 provides for the constitution of the Handloom Weavers Welfare Fund. Clause 6 provides that the Central Government shall ensure supply of yarn to handloom weavers at subsidized rates. Clause 7 provides that the Central Government shall provide Funds to the Authority.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 166 OF 2016

A Bill to provide for the certain measures to be undertaken by the Central Government for the welfare of Anglo-Indians and for matters connected therewith or incidental thereto .

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Anglo-Indians Welfare Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'abuse' includes verbal and physical abuse;

(b) 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory or parents habitually resident therein and not established there for temporary purposes only.

(c) 'appropriate Government' means—

(i) in relation to an establishment of the Central Government or an establishment, wholly or substantially owned or financed by that Government or a Cantonment Board constituted under the Cantonments Act, 1924, or a Union Territory without legislature, or the provider of a service which pertains to List I in Schedule VII of the Constitution, the Central Government; and

(ii) in all other case, the State Government or, as the case may be, the Government of a Union territory with legislature;

(d) 'discrimination' means any distinction, exclusion or restriction on the basis of gender identity and expression which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination, including denial of reasonable accommodation;

(e) 'establishment' means and includes—

(i) Departments and Ministries of Government of India;

(ii) local authorities and authorities or bodies owned, controlled or aided by the Central and State Government;

(iii) any statutory or non-statutory body created, owned, financially or administratively controlled or aided by the Central or State Government or any such body performing public or civil function and includes Government companies as defined under sub-section (45) of Section 2 of the Companies Act, 2013; and

(iv) any company, firm cooperative or other society, association, trust, agency, institution, organization, union, industry, supplier of goods or services, factory or other non-statutory body which is not covered under sub-clauses (i) to (iii) of this clause;

(f) 'exploitation' means using an Anglo-Indian to one's own advantage to which one is not otherwise entitled, or to the latter advantage, to which such latter person is not otherwise liable.

(g) 'local authority' means a municipality, a Cantonment Board, a Panchayat or any other authority, established under an Act of Parliament, or a State Legislature to administer the civic affairs of any habitation as defined in or under such Act;

(h) 'prescribed' means prescribed by rules made under this Act; and

(i) 'services' means services provided by members of any profession or trade, or provided by any Government, local authority or establishment and includes services relating to banking and finance, education, health, insurance, rehabilitation, entertainment, recreation and hospitality, transport or travel and telecommunications.

3. The appropriate Government and local authorities shall, subject to provisions of this Act and any other law for the time being in force, take the following necessary steps to secure for Anglo-Indians—

Guiding Principles.

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons;

(b) non-discrimination;

2 of 1924.

18 of 2013.

- (c) full and effective participation and inclusion in society;
- (d) equality of opportunity;
- (e) accessibility; and
- (f) inclusive approach.

CHAPTER II

RIGHTS AND ENTITLEMENTS

Equality and non-discrimination.

4. (1) The appropriate Government shall take all necessary steps to ensure that Anglo-Indians enjoy the right of equality guaranteed under article 15 of the Constitution on an equal basis with others.

(2) The appropriate Government shall take all necessary steps to ensure reasonable accommodation for the Anglo-Indians.

(3) The appropriate Government shall take all necessary measures to ensure that every Anglo-Indian child enjoy human rights on an equal basis with other children and also ensure that every such child has right to freely express his views on all matters affecting him on equal basis with other children.

Right to life and personal liberty.

5. The appropriate Government shall take necessary steps to ensure that every Anglo-Indian person enjoys the right to life with dignity and personal liberty guaranteed under article 21 of the Constitution on an equal basis with others.

Right to live in a community.

6. (1) Every Anglo-Indian shall have the right to live in the community with choices equal to others.

(2) The appropriate Government and local authorities shall take appropriate measures to ensure full enjoyment of the right mentioned in sub-section (1) by—

(a) not obliging Anglo-Indians to live in any particular living arrangement;

(b) ensuring that Anglo-Indian who are old, infirm and disabled persons have access to a range of in-house, residential and other community support services; and;

(c) providing a two bedroom housing unit to every Anglo-Indian who is deserted orphan or widow or senior citizen who need geriatric care;

(d) making available community services and facilities available for the general population on an equal basis to Anglo-Indians; and

(e) establishing Anglo-Indian township in selected places where there is a substantial concentration population of Anglo-Indians.

Protection from torture or cruel, inhuman or degrading treatment or punishment.

7. The appropriate Government and local authorities shall take all appropriate administrative and other measures to protect every person belonging to Anglo-Indian community from being subjected to torture, or cruel, inhuman or degrading treatment or punishment.

Protection from abuse, violence and exploitation.

8. (1) The appropriate Government and local authorities shall take appropriate administrative, social, educational and other measures to protect every Anglo-Indian, both within and outside the home, from all forms of abuse, violence and exploitation.

(2) Any person, or registered organization who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any Anglo-Indian, may give information about it to the Executive Magistrate in whose jurisdiction such incident occurs or is likely to occur, who, on receipt of such information, shall take immediate steps to stop it or prevent its occurrence as the case may be, or pass such order as he deems fit for the protection of Anglo-Indian.

(3) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any Anglo-Indian shall inform the aggrieved person of,—

(a) the right to apply for protection under sub-section (2);

(b) the particulars of the nearest organization or institution working for the rehabilitation of Anglo-Indian who have been subject to abuse, violence or exploitation; and

(c) the particulars of the Executive Magistrate having jurisdiction to provide assistance to aggrieved persons.

(4) The appropriate Government shall take all appropriate measures to prevent abuse, violence and exploitation against Anglo-Indians by, *inter alia*, providing information and raising awareness on:—

(a) taking cognizance of incidents of abuse, violence and exploitation;

(b) the legal remedies available against such incidents;

(c) steps to be taken for avoiding such incidents;

(d) procedure for reporting such incidents; and

(e) steps required for the rescue, protection and rehabilitation of Anglo-Indians who have been victims of such incidents.

9. The appropriate Government and local authorities shall take necessary steps to ensure that every Anglo-Indian enjoys freedom of speech and expressions guaranteed under article 19 of the Constitution, on an equal basis with others.

Freedom of speech and expression.

10. Every Anglo-Indian shall have a right to respect for his or her physical, mental, social and cultural integrity on an equal basis with others.

Right to Integrity.

11. (1) Every Anglo-Indian shall, in their individual or representative capacity, as the case may be, have the right to move any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers on an equal basis with others.

Access to justice.

(2) The authorities in sub-section (1) shall ensure that every Anglo-Indian is able to exercise the right to approach their authorities without discrimination on the basis of being a member of minority community.

(3) All the authorities mentioned in sub-section (1) shall evaluate the testimony, opinion or argument given by a Anglo-Indian on an equal basis with others and ensure that there is no discrimination whether directly or indirectly on the basis of being a number of minority community.

(4) The National and State Legal Services Authority shall ensure that Anglo-Indians have access to any scheme, program, facility or service offered by them on an equal basis with others.

12. The appropriate Government and local authorities shall take all appropriate administrative and other measure to provide employment opportunities and reservations in favour of persons belonging to Anglo-Indians.

Right to work.

CHAPTER III

EDUCATION

13. The appropriate Government and local authorities shall ensure that all educational institutions funded or recognised by them, provide inclusive education, and *inter alia*,—

Duty of educational institutions to provide inclusive education to Anglo-Indian students.

(a) admit Anglo-Indian students without discrimination and provide them education as also opportunities for sports, recreation and leisure activities on an equal basis with others;

(b) provide reasonable accommodation to every student belonging to Anglo-Indian;

(c) provide necessary support in environment that maximise academic and social development, consistent with the goal of full inclusion;

(d) monitor participation, progress in terms of attainment levels, and completion of education, by every Anglo-Indian student;

(e) provide scholarship on merit-cum-need basis and also other facilities such as fee-waiver, free textbooks, free hostel accommodation to every student belonging to Anglo-Indian community; and

(f) establish an anti-discrimination cell in every educational institutions to monitor any form of discrimination against the students belonging to the Anglo-Indian community.

Adult education
for Anglo-
Indian person.

14. (1) The appropriate Government and local authorities shall ensure participation of Anglo-Indians in adult education and continuing education programs on an equal basis with others.

(2) The appropriate Government and local authorities shall establish professional educational institutions for the educational advancement of the Anglo-Indian community.

Establishment
of Anglo-Indian
University.

15. The appropriate Government shall establish an University for Anglo-Indians to take care of the higher educational needs of Anglo-Indian student and to impart an integrated, holistic, value-oriented modern education using modern digital tools and advanced methodologies of teaching and latest curriculum to meet the demands of a fast changing world.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

Vocational
training, self-
employment,
skill
development
and talent
enhancement.

16. (1) The appropriate Government shall formulate schemes and programs to facilitate and support employment of persons belonging to the Anglo-Indian community especially for their vocational training and self-employment.

(2) The appropriate Government shall institute mechanisms for provision of loans at concessional rates, subsidies and grants to Anglo-Indians for self-employment ventures and for marketing of their products.

(3) The appropriate Government shall provide state of art skill development facilities for the persons belonging to the Anglo-Indian community.

(4) The appropriate Government shall support the community of Anglo-Indians in the area of micro, small and medium enterprise projects to generate employment opportunities.

(5) The appropriate Government shall take measures for the talent enhancement and enrichment of the youth belonging to the Anglo-Indian community.

(6) The appropriate Government shall promote indigenous crafts and handiworks of the Anglo-Indian community.

(7) The appropriate Government shall establish a helpline for carrier guidance and online placement of the Anglo-Indians.

Nomination of
Anglo-Indians
to Minorities
Commission,
etc.

17. The appropriate Government shall nominate members from the Anglo-Indian community in the Minorities Commission of India, Board of Education, Cantonment Boards, Corporations and other Government bodies.

Non-
discrimination
in employment.

18. No establishment shall discriminate against any Anglo-Indian person in any matter relating to employment including but not limited to recruitment, promotion and other related issues.

CHAPTER V

SOCIAL SECURITY, HEALTH REHABILITATION AND RECREATION

19. (1) The appropriate Government shall formulate necessary schemes and programs for empowerment of the persons belonging to the Anglo-Indian community and to enable them to live independently in the community. Social security.

(2) The schemes formulated under sub-section (1) shall *inter-alia* include:—

- (a) payment of pension to eligible Anglo-Indians in such manner as may be prescribed;
- (b) financial assistance to the parents of Anglo-Indian children;
- (c) assistance for skill development training to Anglo-Indians;
- (d) facilities for Anglo-Indian children who have no families or are homeless or have been abandoned, or are without shelter or livelihood;
- (e) access to safe drinking water;
- (f) access to appropriate and accessible sanitation facilities especially in urban slums and rural areas; and
- (g) establishment of safe and hygienic community centers with decent living conditions in terms of nutritious food, sanitation healthcare and counselling.

20. (1) The appropriate Government and local authorities shall take necessary measures to provide Anglo-Indians,— Healthcare facilities.

- (a) separate Health Surveillance Centres;
- (b) primary healthcare for mothers during pregnancy at free of cost; and
- (c) barrier-free access in the hospitals and other healthcare institutions and centres.

(2) To fulfil its obligation under this section, the appropriate Governments shall make schemes and programs with participation and involvement of Anglo-Indians including provision for coverage of medical expenses and therapeutic intervention.

21. (1) The appropriate Government and local authorities shall undertake or cause to be undertaken services and programs of rehabilitation, particularly in the areas of health, education and employment for all Anglo-Indians who are in need of such rehabilitation. Rehabilitation of Anglo-Indians.

(2) The service and programs shall be designed in such a way that it begins at the earliest possible stage and to be based on a comprehensive assessment of issues faced by the individual belonging to the Anglo-Indian community.

(3) For purposes of sub-section (1), the appropriate Government and local authorities shall, subject to fulfillment of financial and other norms, and availability of budgetary allocation, grant financial assistance to non-governmental organizations working for the welfare of the Anglo-Indians.

(4) The appropriate Government and local authorities, while formulating rehabilitation policies, shall consult the non-governmental organisations working for the cause of Anglo-Indian community.

(5) Without prejudice to the generality of sub-section (1), the appropriate Government shall, by notification, formulate schemes to provide aid to Anglo-Indians.

22. (1) The appropriate Government and local authorities shall take suitable measures to promote and protect the right of all persons belonging to Anglo-Indian community to have a cultural life and to participate in leisure and recreational activities on an equal basis with others. Leisure, Culture and Recreation.

(2) The appropriate Government and local authorities shall take suitable measures to organize jamborees for assimilation and synthesis of Anglo-Indian culture with the Indian

culture, and preserving the unique cultural identity of Anglo-Indian community can be showcased.

(3) The appropriate Government shall establish cultural and convention centres in mega cities such as Delhi, Kolkata, Hyderabad, Bangalore, Chennai and Cochin so as to perpetuate the rich cultural diversities and values of Anglo-Indian community.

(4) The appropriate Government shall take steps to declare Anglo-Indian homes and buildings, including schools as heritage structures so as to preserve in their original form.

(5) The appropriate Government and local authorities shall take measures to preserve the Anglo-Indian literature, texts, books and other literary works of renowned Anglo-Indian writers and authors.

(6) The appropriate Government and local authorities shall take measures to preserve Anglo-Indian cuisines and recipes.

(7) The appropriate Government and local authorities shall take measures to organize festivals to project the uniqueness of Anglo-Indian food, music bands, handicrafts, folklores, stories and memories of the community.

(8) The appropriate Government and local authorities shall promote research studies based on the Anglo-Indian culture, Anglo-Indian planters, Anglo-Indian entrepreneurship, Anglo-Indian expatriates and Persons of Indian Origin (PIO) status and many other areas pertaining to the Anglo-Indian community.

CHAPTER VI

DUTIES OF APPROPRIATE GOVERNMENT

Awareness
Raising.

23. (1) The appropriate Government shall conduct, sponsor, encourage, support or promote on a regular and continuous basis information campaigns and sensitization programs to ensure that the rights recognized in this legislation are respected, protected and promoted.

(2) The Campaigns shall aim at enabling both State and civil society to comprehend Anglo-Indian community as an integral part of the Indian society, and to recognize the capabilities and contributions of Anglo-Indians, and to combat the stereotypes, prejudices and harmful practices which impede the participation of Anglo-Indians on an equal basis with others.

(3) Without prejudice to the general awareness raising obligation in sub-section (1), such programs, campaigns and workshops shall inter alia,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity of being Anglo-Indian;

(b) advance recognition of the skills, merits and abilities of Anglo-Indians and of their contributions to the workforce, labour market and professional fee;

(c) fostering respect for the decisions made by the persons belonging to Anglo-Indian community on all matters related to their lifestyle, culture, family life, relationships, bearing and raising children.

(d) providing orientation and sensitization at the school, college, university and professional training level on the history and ancestry of Anglo-Indian people and their rights; and

(e) provide orientation and sensitization on Anglo-Indian people to employers, administrators and co-workers.

CHAPTER VII

MISCELLANEOUS

Central
Government
to provide
fund.

24. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

25. No suit prosecution or other legal proceedings shall be laid against any person for anything which is done in good faith or intended to be done under this Act or any rule made thereunder.

No suit prosecution or other legal proceedings shall lie.

26. The provisions of this Act shall be in addition and not in derogation of any other laws, rules, orders or instructions for the time being in force which deals with the subject matter of this Act.

Act not in derogation of any other laws.

27. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

28. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

29. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so; however, that any such modification or annulment shall be without prejudice to the validity if anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Anglo-Indian community is a distinct minority community of mixed ancestry, whose native language is English. It has almost 400 years of history to boast off since the advent of Portuguese in 1498 at Kappad in the district of Kozhikode, Kerala. With the expansion of colonial territory and the encouragement of inter-marriages with the natives, the Anglo-Indian community formed a small but significant portion of Indian population. In the early periods, this community enjoyed a special status in the society as the members were able to get the best of education. Since then, this minuscule community have played a pivotal role in the development of our nation from railways to armed forces, from customs to trades, and from various professions to academics. However, the British who ruled India in the latter stages of governance discriminated against the Anglo-Indian community as they wanted the English alone to be honoured with high positions and feared of the Anglo-Indians being a hybrid blood. Although there was prejudice and contempt, they represented in administrative roles and service cadres like that of mines, shipping, aviation, forestry, post and telegraph, etc. Eventually, Anglo-Indian population dwindled from roughly eight lakhs at the time of independence to fewer than four lakhs at present making it a minority community, undoubtedly.

Post independence, due to economic deprivation, political ignominy and social ostracism, many have migrated to foreign countries in search of greener pastures. Despite some recent progressive measures by the Government, Anglo-Indian community continues to face a plethora of problems. They are not only sidelined, denied social justice, forced to undergo racial prejudice, made victims of intolerance and unfair treatment, but also suffer from poor access to education, healthcare, legal aid, employment and lack of social acceptance. In the contemporary scenario, the Anglo-Indian minority faces exclusion, socio-economic backwardness and alienation.

Measures towards sensitization are lacking; steps against discrimination are absent and schemes and policies for the welfare of this minority community are never a priority of anyone. There is a need for establishing the first of its kind, an Anglo-Indian university for holistic and value-oriented education; a dire requirement of preserving the unique cultural heritage and legacy of the Anglo-Indian community. This moment desiderates the assertion of their suppressed voice and upholding the promises laid down in the Constitution of India to protect their rights. More than any financial crises, the Anglo-Indian community is endangered, facing a severe indentities crises, and is on the verge of a slow death.

With ample constitutional and legal safeguards to protect the interest of the Anglo-Indians, their position has not altered much and is even now pathetic, helpless and hapless. As a salvageable step, we need to have proactive participation of Anglo-Indian persons in all democratic spaces and systems; need their involvement in policies framed for their own welfare. For undoing decades of discrimination that the Anglo-Indian community has faced, it will require categorical targeted interventions on a phased manner by the State. Invariably, this Bill would be a statutory saviour.

Hence this Bill.

NEW DELHI;
April 28, 2016.

RICHARD HAY

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of in-house, residential and other community support services for the old, infirm and disabled persons belonging to Anglo-Indian community. It also provides for construction of two bedroom houses to the Anglo-Indian deserted women, orphans, widows, senior citizens who need geriatric care and establishment of Anglo-Indian township in the selected places where there is a substantial population of the Anglo-Indian persons.

Clause 12 makes it obligatory on the part of the appropriate Government and local authorities to take measures to provide employment opportunities and work related openings and reservations to Anglo-Indian persons.

Clause 13 provides for scholarship on merit-cum-need basis and other entitlements like fee-waiver, free textbooks, free hostel accommodation and other facilities at subsidized rates for students belonging to Anglo-Indian community.

Clause 14 provides for establishment of an anti-discrimination cell in the educational institutions/universities to monitor any form of discrimination against the students belonging to the Anglo-Indian community.

Clause 15 provides for establishment of an Anglo-Indian University.

Clause 16 provides formulation of schemes and programmes to facilitate and support employment of persons belonging to the Anglo-Indian community especially for their vocational training and self-employment. It also provides for the appropriate Government to institute mechanisms for provision of loans at concessional rates, subsidies and grants to Anglo-Indian persons for self-employment ventures, and for marketing of their products, etc.

Clause 19 provides for formulating necessary schemes and programmes for empowerment of the persons belonging to the Anglo-Indian community.

Clause 21 provides for undertaking services and programs of rehabilitation, particularly in the areas of health, education and employment for all Anglo-Indian persons who are in need of such rehabilitation including financial assistance to non-Governmental organisations.

Clause 22 provides for organizing jamborees, establishing cultural and convention centres at Delhi, Kolkata, Hyderabad, Bangalore, Chennai and Cochin for Anglo-Indian community, etc.

Clause 23 provides for conducting and sponsoring campaign and programmes to respect, protect and promote rights of Anglo-Indian persons.

Clause 24 provides that Central Government shall provide adequate funds, from time to time, for carrying out the purposes of the Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crores may involve as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure to the tune of rupees six hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 152 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 75 of the Constitution, after clause (3), the following clauses shall be inserted, namely:—

Amendment of
article 75.

"(3A) A motion of no-confidence in the Council of Ministers shall be accompanied by a motion of confidence, which shall specify the successor Prime Minister.

(3B) A motion of no-confidence in the Council of Ministers shall be voted upon simultaneously with the accompanying motion of confidence and both the motions together shall be treated as carried or defeated, as the case may be."

Amendment
of article 164.

3. In article 164 of the Constitution, after clause (2), the following clauses shall be inserted, namely:—

"(2A) A motion of no-confidence in the Council of Ministers shall be accompanied by a motion of confidence, which shall specify the successor Chief Minister.

(2B) A motion for no-confidence in the Council of Ministers shall be voted upon simultaneously with the accompanying motion of confidence and both the motions together shall be treated as carried or defeated, as the case may be."

Amendment
of article 172.

4. In article 172 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) Notwithstanding anything in this Constitution, the Central Government shall, within six months from the date of coming into force of the Constitution (Amendment) Act, 2016, in consultation with the Election Commission, determine the manner of extending or curtailing the duration of the term of the State Legislative Assemblies in order to synchronise the general elections to the State Legislative Assemblies with the general elections to the House of the People that shall be held after the coming into force of the Constitution (Amendment) Act, 2016."

Insertion of
new article
326A.

5. After article 326 of the Constitution, the following article shall be inserted, namely:—

Simultaneous
elections.

"326A. The elections to the House of the People and the Legislative Assemblies of all the States shall be held simultaneously."

STATEMENT OF OBJECTS AND REASONS

The Constitution vests the power of superintendence, direction and control of elections with the Election Commission. India being the largest democracy, it is quite obvious that the magnitude and scale of conduct of elections is also of immense proportions. Such an exercise does cost resources and is time consuming too. It is not surprising that the country often finds itself in a perpetual election mode because of conduct of separate elections to Lok Sabha and the State Assemblies.

While elections are the cornerstone of a democracy, it is equally important that the conduct of elections does not, in any way, hinder the process of governance. This is where frequent elections are considered undesirable and a case for simultaneous elections to Lok Sabha and the State Assemblies is made out.

The first argument put forth for advocacy of simultaneous elections is that it will considerably reduce the cost of elections. Conduct of separate elections to Lok Sabha and State Assemblies requires huge costs in terms of men and material. If these elections are held simultaneously on the same day, the financial burden on both the exchequer and the political parties will be reduced considerably. This can further reduce the role of dubious money that presently vitiates the election process. Secondly, the model code of conduct tends to disrupt the process of governance since many governmental initiatives have to be put on hold till the completion of elections. Thirdly, the electioneering campaigns also disrupt the normal public life. At times, there are clashes between political workers and some unscrupulous elements resort to inciting communal violence, defamatory statements and other unethical practices.

The conduct of simultaneous elections is, however, also challenging. Most prominent among those challenges is the possibility of early dissolution of Lok Sabha or a State Assembly. Moreover, there are questions on capabilities of the election machinery to conduct such a massive exercise.

The Bill, seeks to amend the Constitution with a view to:—

(i) amend article 75 of the Constitution to provide that a motion of no-confidence shall be accompanied by a motion of confidence naming the successor Prime Minister and both these motions shall be voted upon together and accordingly carried or defeated together;

(ii) to amend article 164 to make similar provisions in respect of motion of no-confidence brought in a State Assembly;

(iii) to make transitional provision that on commencement of the provisions contained in the Bill, the Central Government shall take a decision, in consultation with the Election Commission, regarding extending or curtailing the duration of State Legislative Assemblies so that the elections to the Assemblies may coincide with next elections to Lok Sabha; and

(iv) insert a new article 326A in the Constitution providing for simultaneous elections to Lok Sabha and the State Legislative Assemblies.

Hence the Bill.

BILL NO. 209 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 341.

2. In article 341 of the Constitution, after clause (2), the following clauses shall be added, namely:—

“(3) Notwithstanding anything in this Constitution, Parliament may by law provide for sub-categorization or de-sub-categorization of the castes, races or tribes or part of or group within any castes, races or tribes specified in a notification issued under clause (1) or by law made by Parliament under clause (2), in respect of a State or Union territory, upon receiving a resolution recommending such sub-categorization or, as the case may be, de-sub-categorization passed by the legislature of that State or, as the case may be, Union territory.

(4) Where the Scheduled Castes of a State or Union Territory are sub-categorized by Parliament by law under clause (3), it shall be lawful to treat such sub-categories as distinct identities for the purposes of reservation in services in connection with the affairs of that State or, as the case may be, Union territory, under clause (4) of article 16, and in admission to educational institutions run or substantially aided by the Government of that State or, as the case may be, Union territory, under clause (5) of article 15.”.

STATEMENT OF OBJECTS AND REASONS

Article 341 of the Constitution empowers the President to add or remove castes from the lists of Scheduled Castes. However, it is well acknowledged that the Scheduled Castes are not a homogeneous group. Some castes are more backward than others. This leads to disproportionate accruing of benefits of reservations to some communities.

Undivided State of Andhra Pradesh acutely faced this problem in 1996 and it was brought to the notice of the then Government of Andhra Pradesh. The persons belonging to certain Scheduled Castes such as the 'Maadigas' and 'Rellis' complained that they were unable to compete with the persons belonging to certain other Scheduled Castes that were comparatively better off. This led 'Maadigas' and 'Rellis' losing out on the benefits of reservations. They demanded that the Scheduled Castes be categorized into four groups so that the benefits would be distributed evenly across all castes.

The Government of undivided State of Andhra Pradesh responded favourably with a Government Order in 1996 which was struck down by the Andhra Pradesh High Court. Therefore, the legislature of the then State of Andhra Pradesh enacted a law in year 2000 known as the Andhra Pradesh Scheduled Castes (Rationalisation of Reservation), Act, 2000, which was again struck down by the Supreme Court in the year 2004. The Court's judgment was that the State Government did not have the competence to legislate on this matter. The Andhra Pradesh Assembly then passed a resolution urging the Union Government to subcategorize the Scheduled Castes of the State. The Central Government responded by setting up of the Justice Usha Mehra Commission in 2007 to examine the matter.

The Commission spent an year extensively travelling across Andhra Pradesh and studying the issue. It concluded that the grievance of the 'Maadigas' and 'Rellis' was true and that benefits were indeed unfairly distributed. The Commission, in its report submitted on 1 May, 2008, had recommended subcategorization of the Scheduled Castes. It clarified that this would not be a national level subcategorization and that as per the Constitution, State could request for State-level subcategorization that pertained only to service and educational institutions in the respective State. Thus, this demand should be seen on a case to case basis in each State.

The Bill, therefore, seeks to amend the Constitution with a view to provide that the Parliament may by law provide for subcategorization or de-categorization of any Caste, race or tribe or part of group within any caste, race or tribe upon receipt of a resolution from legislature of a State or Union Territory, as the case may be.

Hence this Bill.

NEW DELHI;
May 5, 2016

DAYAKAR PASUNOORI

FINANCIAL MEMORANDUM

Clause 2 of the Bill empowers the Parliament to subcategorize or de-subcategorize the existing castes, races or tribes or parts of or groups within castes, races or tribes as the Scheduled Castes for the purpose of State of Andhra Pradesh. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to subcategorized castes, races or tribes under the ongoing Central Schemes meant for development of the Scheduled Castes.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about five hundred crore will be involved annually.

No non-recurring expenditure is likely to be involved.

BILL NO. 156 OF 2016

A Bill to provide for the protective measures and special facilities for the farmers of arid, desert and drought prone areas, who are often affected by natural calamities and vulnerable to indebtedness, diseases and physical infirmities, exploitation by moneylenders and others, by extending welfare measures such as removal of indebtedness among farmers, giving remunerative prices for their produce, providing hassle free bank loans, improving farming practices through scientific means to grow less water consuming crops and for compulsory crop and livestock insurance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called The Farmers of Arid and Desert Areas (Welfare and Other Special Provisions) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “arid areas” means areas which remain affected by aridity due to scanty or no rainfall;

(c) “drought prone areas” means any area which gets below normal rainfall in any season of a calendar year and which in the opinion of the Central Government is drought prone and declared to be so by notification in the Official Gazette, for such period as may be specified in the notification;

(d) “desert area” means an area full of sand, mostly remains waterless with few plantation and vegetations;

(e) “farmer” means a person who owns agricultural land and cultivates or causes it to be cultivated for agricultural purposes or for horticulture purposes and includes all farmers big, middle, small and marginal farmers as identified by the appropriate Government;

(f) “natural calamity” includes drought, flood, excessive rains, storm, hailstorm, winds, frost, winterkill, lightening, fire, earthquake, damage by wild animals, insect infection, plant disease and such other natural causes as may be prescribed;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “Fund” means the Arid and Desert Areas Farmers Welfare Fund constituted under section 4.

National Plan
for welfare of
farmers of arid
and desert areas.

3. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a National Plan for the welfare of the farmers of arid, desert and drought prone areas and take appropriate measures for proper implementation of such plan.

(2) In particular and without prejudice to the generality of the provision contained in sub-section (1) the national plan may include provision of—

(a) immediate interim relief or ex-gratia payment to farmers affected by natural calamity;

(b) diversification of crops requiring very less water developed by various Agricultural Research Institutes suitable for arid, desert and drought prone areas;

(c) comprehensive crop and livestock insurance scheme for the arid, desert and drought prone areas in which insurance premium of small and marginal farmers shall be borne by the Central Government;

(d) ensuring remunerative prices for the agricultural produce of the farmers through Minimum Support Price mechanism and other appropriate measures;

(e) making easy availability of fertilizers, manure, pesticides and quality seeds at affordable prices;

(f) irrigation projects to provide requisite irrigation facilities and ensuring timely completion of such irrigation projects;

(g) comprehensive measures for removing indebtedness, easy loans with nominal interest from banks and other financial institutions, saving farmers from private moneylenders, unscrupulous traders and middlemen.

(h) establishing agricultural farms to ensure timely and adequate supply of quality seeds and saplings at affordable prices;

(i) establishing Krishi Vigyan Kendras and Krishi Information Centres at conspicuous places for promotion of less water consuming crops and horticulture;

(j) establishing modern veterinary hospitals and clinics in every block to assist farmers in animal husbandry;

(k) promoting dairy sector, rearing of animals, poultry, piggery and bee keeping to enhance farm income;

(l) promoting cultivation of vegetables, floriculture, horticulture, spices, sericulture, herbals and plants of medicinal values alongwith handloom and handicrafts and other village arts to supplement the income of farmers;

(m) promoting traditional water bodies like wells, ponds and lakes and rain water harvesting and providing sprinklers and regular power supply to farmers; and

(n) providing such other facilities as may be necessary, incidental and expedient as may be prescribed.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Arid and Desert Areas Farmers Welfare Fund for carrying out the purposes of this Act.

Constitution
of Arid and
Desert Areas
Farmers
Welfare Fund.

(2) The initial corpus of the fund shall be rupee ten thousand crore to be provided by the Central Government after due appropriation made by Parliament by law in this behalf.

(3) The Central Government and the concerned State Governments shall contribute to the fund in such proportion and in such manner as may be prescribed.

(4) There shall also be credited to the Fund money received from the general public, body corporate and domestic and foreign financial institutions as donations and gifts.

(5) The Fund shall be utilised for—

(i) providing immediate financial assistance, ex-gratia payments and compensation to the distressed farmers covered under this Act affected by any natural calamity or disaster resulting in loss of crops, in such manner, as may be prescribed; and

(ii) providing special assistance to the children, women, physically challenged or infirm farmers, old farmers and such other farmers affected by natural calamities, in such manner as may be prescribed.

5. It shall be the duty of the appropriate Government to provide every farmer covered under this Act,—

Welfare
measures to
be undertaken
by appropriate
Government.

(a) medical facilities including medicines and hospitalization, wherever required free of cost;

(b) educational facilities including higher education free of cost to the children of such farmers;

(c) maternity facilities to the spouses of such farmers;

(d) adequate old age allowance which is sufficient to lead a dignified life;

(e) disability pension to the physically challenged farmers; and

(f) such other welfare and protective measures as may be deemed necessary and appropriate, or as may be prescribed.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite Funds to the concerned State Governments, from time to time, for carrying out the purposes of this Act.

Central
Government to
provide funds.

Power to
remove
difficulty.

7. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of Parliament.

Act to have
overriding
effect.

8. (1) The provisions of this Act and the rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Saurashtra and Kutch regions in the State of Maharashtra and Gujarat and major parts of State of Rajasthan are having arid and desert areas. These areas face extreme heat in summer and extreme cold in winter. Sometimes they face heavy rains but mostly the rainfall is scanty and deficient. Similarly, large number of areas in various parts of our vast nation particularly in the States of Andhra Pradesh, Telangana, Jharkhand, Bihar, Madhya Pradesh, Maharashtra, Odisha, etc. are frequently affected by unprecedented drought conditions and desert is spreading in many of such areas. Despite the harsh natural conditions and vagaries of nature, agriculture continues to be the main occupation in these regions and areas of the country and farmers are the backbone of the economy in these regions and areas too as is the case of the rest of the country.

Although the farmers of the entire nation depend on rains for their crops same is true for the farmers of arid and desert areas and those face frequent drought conditions. But farmers of arid and desert face extreme weather conditions and bear the brunt of such weather conditions and generally lose their crops. With the damage of the crops, the hopes and aspirations of the farmers too are lost. The farmers of such areas remain indebted and distressed.

Ours is a welfare State and it is the duty of the State to protect the farmers of arid, desert and drought prone areas by giving sufficient protection. The State should implement comprehensive crop and livestock insurance, extending soft loans by banks and financial institutions, providing timely adequate compensation when their crops are affected by natural calamity. They must get remunerative prices for their produce and State should implement welfare measures for them. A welfare fund should be set up for the farmers of arid and desert areas.

Hence this Bill.

NEW DELHI;
May 5, 2016.

GOPALCHINAYYASHETTY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the Constitution of Welfare Fund for the farmers of arid and desert areas with initial corpus of rupee ten thousand crore to be provided by the Central Government. Clause 5 provides for certain welfare measures to be undertaken by the appropriate Governments. Clause 6 makes it mandatory for the Central Government to provide requisite funds to concerned States.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee twenty thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of rupee five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 149 OF 2016

A Bill to provide for basic amenities such as drinking water, electricity, roads, healthcare services and sanitation facilities in backward areas in metropolitan cities and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Backward Areas in Metropolitan Cities (Basic Amenities and Other Provisions) Act, 2016. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "backward area", in relation to a Metropolitan city, means an area having no basic amenities;

(c) "basic amenities" include provision of drinking water, electricity, street lighting, sewerage, toilet, drainage system, garbage disposal, sanitation, healthcare facilities, educational facilities, recreational facilities, marketing facilities, transportation facilities and access to public distribution system;

(d) "metropolitan city" means a city having population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the appropriate Government by public notification to be a Metropolitan city; and

(e) "prescribed" means prescribed by rules made under this Act.

Identification and development of backward areas.

3. (1) The Central Government shall, within six months of the coming into force of this Act, cause to be identified the backward areas in every metropolitan city in such manner, as it may deem appropriate.

(2) For each backward area identified under sub-section (1), the appropriate Government shall, by notification in the Official Gazette, designate an officer of the local body having jurisdiction over the backward area, as competent authority to undertake such development and other works in that backward area, as the Central Government may, in consultation with the concerned State Government, from time to time, specify.

(3) Without prejudice to the generality of the foregoing provision, every competent authority shall ensure the provision of the following facilities to the inhabitants of the backward area under its jurisdiction —

(a) basic amenities in such manner as may be prescribed;

(b) financial assistance or vocational training for self-employment; and

(c) pucca housing.

Central Government to provide funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Power to remove difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing, of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not to be in derogation of other laws.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating, any of the matter dealt with in this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.,

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

So far as the development is concerned, some areas in the country are very backward including areas in the metropolitan cities like Delhi, Mumbai, Kolkata and Chennai. Some areas of these cities are developed whereas some are immensely backward. Backward areas in metro cities are not getting full advantage of the Central Schemes. At present, crores of people in several metropolitan cities including Mumbai are living in backward areas in inhuman conditions. Even basic facilities like drinking water, electricity, road, cleanliness and health services are not available in these areas. People have no option but to live in such backward areas.

Today, the need of the hour is all round development on priority basis of the backward areas of Metro cities so that people living in these areas can be connected to the mainstream of the country. This is possible only when the Central Government monitors the development schemes in backward areas of metro cities and bears all the expenses to be incurred on such development schemes, which shall ensure completion of development works in a time bound manner and without any hindrance.

Hence this Bill.

NEW DELHI;
May 5, 2016.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain amenities like drinking water, electricity, street lighting, sewerage, toilet, drainage system, garbage disposal, sanitation, healthcare facilities, educational facilities, financial assistance for self-employment and pucca housing to the backward persons living in metropolitan cities. Clause 4 provides that the Central Government shall, after due appropriation made by Parliament by law, provide adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore is likely to be incurred as recurring expenditure from the Consolidated Fund of India.

A non-recurring expenditure of rupees four hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 150 OF 2016

A Bill to provide for creation of employment opportunities and payment of unemployment allowance to youth by the Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Employment Opportunities and Unemployment Allowance to Youth Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement

Definition.	<p>2. In this Act, unless the context otherwise requires:—</p> <p>(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;</p> <p>(b) "Fund" means the National Employment Fund constituted under section 5;</p> <p>(c) "prescribed" means prescribed by rules made under this Act; and</p> <p>(d) "youth" means a citizen who has attained the age of eighteen years but has not attained the age of forty years.</p>
Right to gainful employment.	<p>3. Notwithstanding anything contained in any other law for the time being in force, every youth shall have the right to gainful employment to be provided by the appropriate Government in Government or private sector, as the case may be.</p>
Unemployment allowance to unemployed adult citizens.	<p>4. Notwithstanding anything contained in any other law in force for the time being, every unemployed youth shall be entitled to receive unemployment allowance, at such rate, as may be prescribed:</p> <p>Provided that a youth who rejects the employment offered to him shall not be entitled to unemployment allowance.</p>
Constitution of National Employment Fund.	<p>5. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Employment Fund for payment of unemployment allowance under this Act.</p> <p>(2) There shall be credited to the—</p> <p>(a) grants by the Central Government and the State Governments; and</p> <p>(b) grants from individuals and other organisations including international organisations.</p>
Act not in derogation of any other law.	<p>6. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.</p>
Power to make rules.	<p>7. (1) The Central Government may, by notification in the Gazette of India, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>

STATEMENT OF OBJECTS AND REASONS

Crores of educated and technically qualified young persons are unemployed. They go to employment offices again and again where vacancies are displayed and there they submit their applications. But they do not get employment because creation of employment is nil in both government and non-government sectors. Thousands compete for a single post. That is why youth of the country is frustrated and their number is increasing day-by-day as new lots of graduates, post-graduates and diploma and degree holders become a part of unemployed persons.

These frustrated young persons are being exploited by anti-social and anti-national elements and many unemployed youth are turning towards crimes and terrorism. Educated, skilled and unskilled young persons are migrating to foreign countries in search of employment and better life. This brain drain is due to lack of employment opportunities in our country.

The Government should make concerted efforts at state and national level to check this trend. The right to employment should be recognized and the payment of unemployment allowance must be made compulsory.

Hence this Bill.

NEW DELHI;
May 5, 2016.

GOPALCHINAYYASHETTY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for payment of unemployment allowance to every unemployed youth. Clause 5 provides for constitution of National Employment Fund for payment of unemployment allowance. It also provides that Central Government shall grant to the Fund.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of about rupees fifteen crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 151 OF 2016

A Bill to provide for the right to shelter to the persons living below poverty line or falling under low income group by providing a dwelling unit to every such family in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Shelter Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the content otherwise requires,—

Definitions.

(a) “family” means a citizen, his spouse and dependent children;

(b) “person living below poverty line” means a person whose monthly income from all sources is such as may be determined by the Central Government, from time to time after taking into consideration all such relevant factors as it may deem fit:

Provided that different criterion may be fixed for different classes of persons in various States and Union territories.

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “shelter” means a dwelling unit comprising at least one living room, one bedroom, one kitchen and one toilet.

Central Government to provide a dwelling unit to families living below poverty line.

3. (1) The Central Government shall, within a period of five years from the coming into force of this Act, provide free of cost, one all weather shelter to each family living below poverty line in the country:

Provided that while providing the shelter, the Central Government shall take into account the number of members in the family.

(2) For the purpose of sub-section (1), the Central Government shall, in consultation with the concerned State Government, cause to be notified a list of all families living below poverty line in each State and Union territory, in such manner, as may be prescribed.

(3) The priority of allotting the shelter in a State or Union territory shall be determined by draw of lot to be conducted in such manner as may be prescribed.

Central Government to provide a dwelling unit at fifty per cent. of the cost.

4. (1) The Central Government shall, within a period of seven years from the coming into force of this Act, provide a shelter at fifty per cent. of the cost to each family, having an annual income of less than rupees five lakh:

Provided that while providing the shelter, the Central Government shall take into account the number of members in the family.

(2) For the purpose of sub-section (1), the Central Government shall, in consultation with the concerned State Government, cause to be notified a list of all families having an annual income less than rupees five lakh in each State and Union territory in such manner as may be prescribed.

(3) The priority of allotting the shelter in a State or Union territory under this section shall be determined by the draw of lot to be conducted in such manner as may be prescribed.

Central Government to maintain the dwelling unit.

5. (1) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit provided under section 3 and charge such nominal amount for the purpose as may be prescribed.

(2) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit provided under section 4 and charge fifty per cent. of the maintenance cost.

Power to remove difficulty.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have effect in addition to other Acts.

7. The provisions of this Act shall be in addition to, and not in derogation of, any other law, for the time being in force, providing shelter to persons living below poverty line and earning less than rupees five lakh per annum.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Roof over one's head is a minimal basic requirement of human being. It gives a feeling of security and lays the foundation of sustainable quality of life. Increasing disparity in income has led to the homelessness in our country. While some people living in palaces or big houses, some don't even have access to a shelter. The housing with its rising cost has become unaffordable. According to an estimate there are around 13 crore homeless people in India. Not only that, each of these homeless have atleast 5-6 members dependent on them that makes a huge section of the country which doesn't have roof over their head. These homeless people face vagaries of weather from chilling cold in winters to heat waves during summer. Many of these homeless people die every year. Most of these homeless persons are poor or live below poverty line.

These homeless people are prone to reduce access to healthcare, limited access to education, increased risk of suffering from violence and abuse, general discrimination from other people, and most importantly drug abuse. They are wrecked from inside and lost their hopes while living their life in aloofness.

Children of homeless families are often missed out on education and medical treatment and are at the high risk of suffering addiction, abuse and illness. These children often fall into wrong hands and at times become criminals. Therefore, it is in the interest of the society and national building that State should provide shelter.

Ours is a welfare state and it is the duty of the State to ensure that every poor citizen should have roof over his head. It will improve their quality of life, instill a sense of security and lead them to be a healthy and better citizen. Therefore, it is proposed that every family living below poverty line should be provided a dwelling unit free of cost and every family earning less than rupees five lakh should be provided a dwelling unit at fifty per cent. of the cost. The proposed Bill also provides for maintenance and succession of the dwelling unit given by Central Government.

Hence this Bill.

NEW DELHI;
May 5, 2016.

GOPALCHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the families living below poverty line shall be provided a dwelling unit free of cost. Clause 4 provides that families earning below rupees five lakh shall be given a dwelling unit at fifty per cent. of the cost. Clause 5 provides that Central Government shall also undertake the maintenance of these dwelling units.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Five hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 153 OF 2016

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For section 309 of the Indian Penal Code, 1860, the following section shall be substituted, namely:—

Substitution
of new
section for
section 309.

“309. (1) Where any person attempts to commit suicide or performs any act towards the commission of such attempt, in a manner that is likely to cause breakdown of public order, then a police officer, not below the rank of Deputy Superintendent of Police, shall apply to a Judicial Magistrate for determination to that effect.

Attempt to
commit
suicide that is
likely to cause
breakdown of
public order.

(2) where the Judicial Magistrate makes a determination under sub-section (1), he may pass an order allowing a police officer to detain such person in a police station for such time as may be specified in the order and direct the police officer to take such other measures as may be necessary to ensure that the detainee does not attempt to commit suicide while in custody:

Provided that the Judicial Magistrate's order shall specifically state all measures that may be taken to ensure that the person does not attempt to commit suicide while in custody.

Illustration: X begins a hunger strike in a public place and incites a crowd by proclaiming that he will fast unto death. X is attempting to commit suicide in a manner that is likely to cause breakdown of public order.

(3) Where any person imminently attempts to commit suicide or performs any act towards the imminent commission of such attempt, in a manner that is likely to cause breakdown of public order, a police officer, not below the rank of Deputy Superintendent of Police, or equivalent rank, shall have the power to detain such person in a police station and to take such other measures as may be necessary to ensure that he does not attempt to commit suicide while in custody:

Provided that the police officer shall, within twenty-four hours of such detention, apply to the Judicial Magistrate for determination to that effect.

Illustration: X climbs on the roof of a tall building and incites a crowd by proclaiming that he will jump down to his death. A is imminently attempting to commit suicide in a manner that is likely to cause breakdown of public order.

(4) Where the Judicial Magistrate makes a determination under sub-section (3), he may pass an order allowing further detention of such person in a police station for such time as may be specified in the order and direct the police officer to take such other measures as may be necessary to ensure that he does not attempt to commit suicide while in custody:

Provided that if the Judicial Magistrate does not make a determination, such person shall not be detained any more.

Explanation.— For the purposes of this section, 'such other measures as may be necessary to ensure that he does not attempt to commit suicide while in custody', include measures to forcibly feed someone attempting suicide by refusing.

(5) Where any person attempts to commit suicide or performs any act towards the commission such attempt of, which does not lead to death of such person, the person who abets in commission of such attempt or performance of such act shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.”.

STATEMENT OF OBJECTS AND REASONS

It is an indication of the tendency of many of our laws to stick to *status quo* that the anachronistic provision that criminalises the attempt to commit suicides continues to operate today. The mental state of a person who commits suicide deserves understanding and careful intervention, and the blunt instrument of criminal sanction is markedly ill-suited for this purpose. A large number of other jurisdictions have long since realised this fact, and do not criminalise attempts to commit suicide today. Despite recommendations of the Law Commission and the Supreme Court to adopt a similar approach in India too, the same has not been achieved so far.

This Bill addresses this situation by decriminalising attempts to commit suicide. It also addresses two concerns that may arise with such a proposal. First, it grants the authorities narrowly defined powers to intervene if they come across a suicide attempt that has the potential to cause breakdown of public order. Secondly, it clarifies that the decriminalisation of suicide attempts does not in any way dislodge the legal liability of those who abet suicide, whether their abetment ultimately results in a suicide or an attempt to commit suicide.

Hence this Bill.

NEW DELHI;
May 6, 2016.

BAIJAYANT PANDA

BILL NO. 163 OF 2016

A Bill to provide for incentives to State Governments and Municipal Corporations to take effective steps towards reduction of vehicular pollution in urban areas.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Vehicular Pollution Reduction Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Authority” means the Vehicular Pollution Regulation and Assessment Authority constituted under section 6;

(b) “Carpool-only lane” means a lane of a road that is exclusively reserved for the use of powered vehicles carrying a minimum of four passengers including the driver, or, in the case of motorcycles, a minimum of two passengers including the driver;

(c) “Eligible vehicle” means a powered vehicle intended to be used on roads and which meets any of the following descriptions,—

(i) an electric vehicle, that is, a vehicle that is powered entirely by electric power stored in a battery which is recharged through an electrical outlet;

(ii) a hybrid vehicle, that is, a vehicle that is partly powered through battery power and partly through an internal combustion engine;

(iii) a plug-in hybrid vehicle, that is, a vehicle that can be powered in the same way as a hybrid vehicle, and through electric power stored in a battery which is recharged through an electrical outlet;

(iv) a fuel cell vehicle, that is, a vehicle powered by an engine where the only byproduct that is produced is water;

(v) a natural gas vehicle, that is, vehicle that is powered by compressed natural gas or liquefied natural gas;

(vi) a biofuel vehicle, that is, a vehicle that is powered by biofuels:

Provided that the Central Government may, by notification in the Official Gazette, lay down requirements, including technical specifications, minimum or maximum engine capacity, engine efficiency or composition of fuel emissions, for any of the above description, fulfillment of which shall be necessary for a vehicle to fall within the meaning of eligible vehicle; and

(d) "traffic signal synchronization" means the traffic engineering technique where traffic signals are designed, monitored and operated in order to coordinate the times taken for signals to change for a series of roads and junctions, so as to minimise stops and delays for vehicles.

3. Any Municipal Corporation shall be entitled to receive from the Central Government a grant of one hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if it satisfies and five of the following eight conditions,—

Conditions
for a
Municipal
Corporation
to receive
grant.

(a) there is a system for collecting a fixed daily fee as congestion fee from vehicles that enter congested areas within the municipality;

(b) the Municipal Corporation has introduced carpool-only lanes on major roads in the municipal area;

(c) the Municipal Corporation provides rebates to residents of the municipal area for purchase of eligible vehicles;

(d) the Municipal Corporation provides free electric recharging facilities for cars to residents of the municipal area;

(e) there is a system which bars entry into the municipality area of vehicles older than ten years;

(f) the Municipal Corporation has implemented a system of traffic signal synchronization within the municipal area;

(g) the Municipal Corporation provides the following benefits to eligible vehicles—

(i) permit eligible vehicles to use carpool-only lanes irrespective of the number of occupants of the vehicle; and

(ii) exempt eligible vehicles from parking fee at public parking facilities in the municipal area; and

(h) the Municipal Corporation provides the following benefits to owners of eligible vehicles,—

(i) full or partial waiver of fees, charges or other types of dues taken by the municipal corporation from the user of vehicles;

(ii) full or partial waiver of toll fee at toll fee collection points under the administrative control of the municipal corporation; and

(iii) credits for expenses on the fuel for eligible vehicles that can be set-off against fees, charges or other types of dues taken by municipal corporation.

Conditions for a State Government to receive grant.

4. A State Government shall be entitled to receive from the Central Government a grant of three hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specify, if that State Government satisfies any two of the following conditions,—

(a) impose an additional penalty on all vehicles which do not fall within the category of eligible vehicles.

(b) exempt eligible vehicles from the requirement of registration in the State after relocation in that State if such eligible vehicles have previously been registered in any other State;

(c) adopt policies which require persons working in private or Government offices, organizations, agencies or businesses in the State to work from home for atleast one working day every week.

Grant for State Government achieving state-wide compliance with conditions.

5. A State Government shall be entitled to receive from the Central Government a grant of five hundred crore rupees or of such higher amount, as the Central Government may, by notification in the Official Gazette specifies, if—

(a) the State has five or less Municipal Corporations and all Municipal Corporations within the State are eligible to receive grant under section 3; or

(b) the State has more than five but not more than twenty Municipal Corporations and not less than three-fourths of all the Municipal Corporation within the State are eligible to receive grant under section 3; or

(c) the State has more than twenty Municipal Corporations and not less than one-half of all Municipal Corporations within the State are eligible to receive grant under section 3.

The Vehicular Pollution Regulation and Assessment Authority.

6. (1) The Central Government shall, within one month of the coming into force of this Act, by notification in the Official Gazette, constitute an Authority to be known as the Vehicular Pollution Regulation and Assessment Authority.

(2) The Authority shall consist of a Chairperson and representatives from the Union Ministries of Finance, Road Transport and Highways and the Environment, Forests and Climate Change, to be appointed by Central Government in such manner as may be prescribed.

(3) The allowances payable to and other terms and conditions of services of Chairperson and other members of the Authority shall be such as may prescribed.

Authority to determine satisfaction of conditions.

7. (1) The Authority shall determine whether a Municipal Corporation or a State Government satisfies the conditions laid down under sections 3, 4 and 5.

(2) The decision of the Authority under sub-section (1) shall be final.

(3) While making a determination under sub-section (1), the Authority shall take into consideration the steps taken by a Municipal Corporation or a State Government towards achieving the intended objectives behind each of the conditions mentioned in sections 3, 4 and 5.

Power of the Authority to issue specifications.

8. (1) The Authority may, from time to time, issue specifications, for each of the conditions mentioned in sections 3, 4, and 5.

(2) Without prejudice to the generality of the foregoing provision, the Authority shall have the power to—

(a) prescribe parameters for identifying congested areas in a municipal corporation;

(b) prescribe parameters for fixing congestion fee to be levied by a municipal corporation;

(c) demarcate roads for carpool-only lanes;

(d) prescribed the minimum rate of rebate to be given to the owners for purchasing eligible vehicles;

(e) prescribe performance parameters for traffic signal synchronization;

(f) prescribe the minimum rate of waiver in fees, charges or other types of dues to the municipal corporation to be given to the owners of eligible vehicles; and

(g) prescribe the minimum additional cost to be realised by way of the imposition of any additional penalty on all vehicles other than eligible vehicles.

(3) A specification issued under sub-section (2) shall not be modified or revoked till the completion of a period of one year from the date of issue of specification:

Provided that the Authority shall have no restrictions on issuing specifications on other aspects during such time.

9. (1) Every State Government and Municipal Corporation shall have the right to submit their proposal of steps to be taken to the Authority for an advance determination of whether such steps, if implemented, would satisfy the conditions laid down in sections 3, 4 or 5.

Advance determination of proposal.

(2) The Authority shall provide such an advance determination within three months of receiving the proposal from the State Government or the Municipal Corporation.

(3) For the purpose of becoming eligible for the grants specified in sections 3, 4 or 5, obtaining of an advance determination shall not affect the requirement of obtaining a determination under section 7.

10. No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done, or intended to be done, under or in pursuance of the provisions of this Act.

Protection of action taken in good faith.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Vehicular pollution is one of the biggest crisis that is unfolding in our country today. Rapid urbanisation and the lack of adequate city planning for a long time have together contributed to a situation where large numbers of pollution-spewing cars clog our roads, putting the health of our citizens under siege. Further complicating the situation is the fact that many laws and regulations that apply to the use of vehicles are made at the State and local Government levels, thus providing for a diverse array of disparate interests. The situation calls for drastic but co-ordinated action.

This Bill seeks to streamline the interests of municipal corporations, State Governments and the Central Government when it comes to taking steps towards reducing vehicular pollution. It provides a mechanism where the Municipal Corporation and State Government can become eligible for financial grants if they undertake efforts towards curbing vehicular pollution within their jurisdiction. While incidental benefits such as a reduction in road congestion may also result on enactment of this Bill. The need is to take concerted effort to act against the menace of pollution caused by vehicles.

Hence this Bill.

NEW DELHI;
May 5, 2016.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for providing grants to municipal corporations by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 4 provides for grants to the State Governments by the Central Government on fulfillment of certain conditions regarding reduction of vehicular pollution. Clause 5 provides for grants to the State Governments by the Central Government for achieving State-wide compliance with conditions. Clause 6 provides for constitution of the Vehicular Pollution Reduction Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 162 OF 2016

A Bill to provide for constitution of Snow and Glaciers Authority of India to conserve Himalayan glaciers which are receding at a fast rate and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Snow and Glaciers Authority of India Act, 2016.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Authority” means the Snow and Glaciers Authority of India constituted under section 3; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Snow and Glaciers Authority of India to study the impact of climate change on glaciers in Himalayan States and suggest measures for their protection and conservation.

Constitution of Snow and Glaciers Authority of India.

(2) The Authority shall consist of—

(a) the Union Minister of Environment, Forests and Climate Change—Chairperson, *ex-officio*;

(b) the Union Minister of Science and Technology—Vice Chairperson;

(c) the Chief Ministers of the Himalayan States of Uttarakhand, Himachal Pradesh, Jammu and Kashmir, Arunachal Pradesh, Manipur, Tripura, Meghalaya, Mizoram, Assam, Nagaland and Sikkim—members; and

(d) not more than twenty persons to be nominated by the Central Government having experience and expertise in the field of conservation of ecology, protection of environment and natural resources—members.

(3) The salary and allowances payable to and other terms and conditions of appointment of the nominated members shall be such as may be prescribed.

4. (1) The Central Government shall appoint the Secretary and the Chief Accounts Officer, respectively, of the Authority in such manner as may be prescribed.

Appointment of Secretary, Chief Accounts Officer and staff of the Authority.

(2) The Secretary and the Chief Accounts Officer shall exercise such powers and perform such duties as may be specified by the Central Government.

(3) The Central Government shall provide such number of officers and staff to the Authority as may be required for its efficient functioning.

(4) The salary and allowances payable to and other terms and conditions of service of the officers and staff of the Authority shall be such as may be prescribed.

5. (1) The headquarter of the Authority shall be at Dehradun.

Headquarter and other offices of the Authority.

(2) The Authority shall have its offices at such other places in Himalayan States as it may deem fit for carrying out the purposes of this Act.

6. The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

Meetings and procedure of the Authority.

7. No Act or proceeding of the Authority shall be invalid by reason of any vacancy in the Authority.

Vacancies not to invalidate proceedings of the Authority.

8. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Conservation of Snow and Glaciers in Himalayan States Fund.

Constitution of Conservation of snow and glaciers in Himalayan States Fund.

(2) The Authority shall administer the Fund.

(3) The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit requisite sums to the Fund for carrying out the purposes of this Act.

Utilization of Fund.

9. The Fund shall be utilized for—

(i) promotion of research in the field of Himalayan Geology and to suggest measures for protection of snow and glaciers in Himalayan region;

(ii) grant-in-aid to non-Governmental Organisations working in the field of protection of ecology in the Himalayan region;

(iii) meeting the administrative expenditure of the authority; and

(iv) any expenditure which the Central Government may direct to be defrayed from the Fund.

Functions of
the Authority.

10. The Authority shall—

(i) study the impact of climate change on glaciers in Himalayan States;

(ii) create National Glacier Inventory in respect of glaciers and periglacial landforms which act as freshwater reserves;

(iii) identify research areas alongwith pertaining information necessary for protection, control, monitoring and conservation of snow and glaciers in Himalayan States;

(iv) prohibit or restrict activities which affect natural condition of snow and glaciers;

(v) co-ordinate with other organisations working in the fields of Himalayan Geology, snow and avalanche and space research to share data and research related to glaciers and climate change.

(vi) take such other measures as are necessary for protection and conservation of snow and glaciers and ecology and better management of water resources in Himalayan States; and

(vii) frame guidelines for ensuring protection of glaciers in Himalayan States as strategic freshwater reserves for human consumption, for agriculture and as sources for watershed recharge.

Central
Government
to issue
directions.

11. The Central Government shall, from time to time, issue such directions to the Authority, as may be necessary for carrying out the purposes of this Act.

Accounts and
audits.

12. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be prescribed.

(2) The accounts of the Authority shall be audited at such intervals as may be specified by the Central Government.

Annual
Report.

13. (1) The Authority shall prepare every year an annual report in such form and manner, as may be prescribed by the Central Government, giving a full account of its activities during the previous year, and copies of the report shall be forwarded to the Central Government.

(2) A copy of the report forwarded under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

Protection of
action taken
in good faith.

14. No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Power to
delegate.

15. The Authority may, by general or special order in writing, delegate to the Vice-Chairperson or any member, officer of the Authority or any other person subject to such conditions, if any as may be specified in the order, such of its powers and functions under this Act, as it may deem necessary.

16. (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in the making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is well-known that snow and glaciers are vital to human beings as they make our rivers perennial which have been source of our civilization and livelihood.

The glaciers of the Himalayas have the largest concentration of fresh water. These glaciers are unique as they are located outside the polar regions. These glaciers are major source of water to the rivers originating from the Himalayas. However, the potential of water available from glaciers have not been exploited in proper manner for the reason that we have failed to understand and monitor the sustainability of glaciers in view of changing global scenarios of climate. In recent past, some efforts have been made to carry out important study covering entire Himalayan Glaciers. However, there is an urgent need to address a large number of questions about the health and state of glaciers.

It is, therefore, necessary to constitute an independent authority to coordinate with organizations working in the field of natural resources of fresh water in the form of snow and glaciers and suggest measures to conserve these natural resources by developing methods of extraction and dissemination of reliable and quick information from remote sensing data pertaining to snow and glaciers of the Himalayas and to save snow cover and glaciers of the Himalayan region.

Hence this Bill.

NEW DELHI;
May 13, 2016.

RAMESH POKHRIYAL 'NISHANK'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an authority to be known as the Snow and Glaciers Authority of India to suggest measures for conservation of glaciers in Himalayan States. It also provides for payment of salary and allowances to the nominated members of the Authority. Clause 4 provides for appointment of the Secretary, Chief Accounts Officer and other officers and staff of the Authority. Clause 5 provides that the Authority shall have its headquarters at Dehradun and other regional offices at such other places in Himalayan States as it may deem fit. Clause 8 provides for constitution of the Conservation of Snow and Glaciers in Himalayan States Fund. It also provides that the Central Government shall credit requisite sums to the Fund for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore would be involved as a recurring expenditure per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail, the delegation of legislative power is of a normal character.

BILL NO. 165 OF 2016

A Bill to provide for constitution of a National Commission for Tiny Industries and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the National Commission for the Tiny Industries Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of products and processes of tiny industries.

Declaration as to expediency of control by Union.

3. In this Act, unless the context otherwise requires,—

Definitions.

(a) "National Commission" means the National Commission for Tiny Industries constituted under section 4;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "State Commission" means the State Commission for Tiny Industries constituted under section 6; and

(d) "tiny industry" means any industry involved in the manufacturing or processing of consumer or household products such as breads, biscuits, and other confectionery items, fast food or other food products, detergents, soaps, kitchen items, shoe and leather goods, cosmetics and skin care products, herbal products for medicinal and other purposes, stationery and electrical items, hardware and sanitary-ware items or any other item which may be prescribed and where the total capital invested in running the business does not exceed rupees ten lakh.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Commission for Tiny Industries for carrying out the purposes of this Act.

Constitution of National Commission for Tiny Industries.

(2) The National Commission shall consist of a Chairperson and four other members possessing such qualifications as may be specified by the Central Government, to be appointed in such manner as may be prescribed.

(3) The salaries and allowances payable to, and other terms and conditions of, service of, the Chairperson and other members of the National Commission shall be such as may be prescribed.

5. The National Commission shall—

Functions of National Commission.

(i) formulate a National Policy for the promotion and development of tiny industries;

(ii) coordinate with the States and Union territory Administrations regarding promotion and development of tiny industries;

(iii) formulate guidelines regarding financial assistance or loans by banks or financial institutions to tiny industries;

(iv) recommend to the Central Government the steps to be taken for the welfare of persons engaged in tiny industries; and

(v) undertake such other functions, as may be assigned to it by the Central Government.

6. (1) Every State Government shall, constitute a Commission to be known as the State Commission for Tiny Industries for effective implementation of the provisions of this Act.

Constitution of State Commission for Tiny Industries.

(2) The State Commission shall consist of a Chairperson and four other members to be appointed by the State Government, in such manner as may be prescribed.

(3) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and other members shall be such as may be prescribed.

7. The State Commission shall—

Functions of State Commission.

(i) provide financial assistance to the tiny industries in matters such as acquiring licence and building of infrastructure;

(ii) provide assistance to the tiny industries in obtaining loans from scheduled banks and other financial institutions;

(iii) implement the National Policy framed under clause (i) sub-section (1) of section 5 for development of tiny industries in their respective jurisdiction;

(iv) advise the concerned State Government regarding any matter relating to development of tiny industries in the State;

(v) furnish regular reports or information, as the case may be, to the National Commission from time to time; and

(vi) undertake such other functions as may be assigned to it by the State Government.

Central
Government
to provide
adequate
funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The tiny industries *i.e.* industries where the total capital invested in running the business does not exceed rupees ten lakh, are very important for our economy as they prevent concentration of wealth in few hands and decentralize the manufacturing processes and provide employment on large scale. These are the industries involved in the manufacturing or processing of consumer or household products such as bread, biscuit and other confectionery items, fast food or other food products, detergents, soaps, kitchen items, shoe and leather goods, cosmetics and skin care products, herbal products for medicinal and other purposes, stationery and electrical items, hardware and sanitary ware items.

Tiny Industries simultaneously provide choice to the consumers and act as a source of revenue to the State by way of payment of taxes. However, there is no clear-cut policy for the development of small and tiny industries in the country. Earlier, certain categories of industries were reserved exclusively for the small scale sector, but now it has been dispensed with. Now big industrial houses and even multinational companies are penetrating the small scale sector as well as the retail sector, thereby causing a threat to the existence of small and tiny industries, as they are not in a position to compete with the former. Further, the small scale entrepreneurs have to run from pillar to post in order to obtain loans, licences, and other infrastructural facilities. There is no proper authority to assist them and address their grievances.

It is, therefore, proposed to constitute a National Commission for Tiny Industries and similar commissions at State level to promote and develop tiny industries.

Hence this Bill.

NEW DELHI;
May 12, 2016

BOORA NARSAIAH GOUD

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a National Commission for Tiny Industries. It also provides for appointment of Chairperson and other members of the Commission. Clause 6 provides for constitution of State Commission for Tiny Industries. Clause 8 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 164 OF 2016

A Bill to provide for welfare of toddy industry workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Toddy Industry Workers Welfare Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Board" means the Toddy Industry Workers Welfare Board constituted under section 4;

(b) "employer" means by person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees and who has a license for the manufacture, distribution, transport, storage or sale of toddy;

(c) "excise tree" includes the trees of *mohwa*, *coconut*, *palm*, *palmyra*, *date*, *bagani*, *sago*, *sendhi* or any tree of the species of palm or palmyra, from the fermented or unfermented juice of which toddy can be prepared;

(d) "Fund" means the Toddy Workers Welfare Fund constituted under section 3;

(e) "manufacture" means process of preparation and collection of toddy;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "scheme" means the Toddy Industry Workers Welfare Scheme formulated under section 6;

(h) "toddy" means fermented or unfermented juice drawn from an excise tree; and

(i) "wages" means emoluments which are earned by a worker while on duty or on leave with wages in accordance with the terms of the contract of employment and which are paid or payable in cash to him, but does not include,—

(i) the cash value of any food concession; and

(ii) overtime allowance, bonus and commission; and

(j) "worker" means a person who is employed on wages in connection with the manufacture, distribution, transport, storage or sale of toddy and who gets his wages, directly or indirectly, from the employer and includes any person employed by or through a contractor or through an agent in connection with the manufacture, distribution, transport, storage or sale of toddy.

Constitution
of Toddy
Industry
Workers
Welfare
Fund.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute Fund to be known as the Toddy Industry Workers Welfare Fund for the Welfare of toddy workers.

(2) The Fund shall consist of—

(a) contribution by the Central Government and every State Government in such ratio as may be prescribed;

(b) contribution by the employer as follows—

(i) an amount equal to ten per cent. of the wages for the time being payable to each worker; and

(ii) an amount equal to ten per cent. of the wages for the time being payable to each worker towards gratuity; and

(c) contribution from workers in such ratio as may be prescribed.

Constitution
of the Toddy
Industry
Workers
Welfare
Board.

4. (1) The Central Government shall constitute a Board to be known as the Toddy Industry Workers Welfare Board.

(2) The Board shall consist of—

(a) a Chairperson, having adequate knowledge of toddy industry;

(b) three persons from amongst the States where toddy trees are grown in large scale; and

(c) one person representing the toddy industry workers, to be appointed by the Central Government in such manner as may be prescribed.

(3) The Board shall be responsible for administration of the Fund.

5. The Fund shall be utilized for—

Utilization of Fund.

- (i) providing free educational facilities to the children of workers;
- (ii) payment of such amount, as may be prescribed, in case a worker decides to set up his own establishment connected with the toddy industry;
- (iii) providing free healthcare facilities to workers and their families;
- (iv) providing concessional accommodation facilities to the workers;
- (v) payment of disability allowance to worker who get injured during work;
- (vi) payment of old age pension and gratuity at such rates, as may be prescribed, to workers who have attained the age of sixty years or above;
- (vii) payment of life insurance premium of toddy industry workers; and
- (viii) payment of family pension after the death of a worker:

6. (1) The Central Government shall, by notification in the Official Gazette, formulate a scheme for the welfare of toddy workers to be known as the Toddy Industry Workers Welfare Scheme.

Formulation of Toddy Industry Workers Welfare Scheme.

(2) The Central Government may, by notification in the Official Gazette, amend the Scheme, from time to time, for carrying out the purpose of this Act.

7. Every State Government and Union territory administration shall conduct a survey of toddy industry workers in the State and forward the information to the Central Government.

State Government to conduct survey of toddy industry workers.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Toddy workers are among the poorest sections of society and are wholly unorganized. Tapping is seasonal that keeps them engaged only for five months. There are area restrictions on them as they are allowed to sell toddy within a limited radius of the extract point. Also mushrooming of Indian made foreign liquor shops in every nook and corner, including villages, is affecting their livelihood.

The free flow of illicit liquor too had its bearing on the toddy tappers community. They are struggling even to feed their children properly and cannot ensure quality based education due to skyrocketing price rise. Lack of finance and inadequate facilities are the main problems faced by the toddy tappers.

Toddy tappers are switching over to other trades as toddy has ceased to be a part of social life of villagers. The number of toddy yielding trees have come down and the drop in the number of tappers is also proportionate. The problem is lack of initiative from the Government and the non-existence of a proper marketing network.

Their working conditions are not safe. After they become unfit to work further, they suffer a lot. No social security provision is available for them. There is no separate provision for payment of compensation to the toddy workers for injury sustained during the course of employment or to his legal heirs in the event of his death as a result of injuries so sustained.

It has, therefore, been proposed to constitute a Toddy Industry Workers Welfare Fund for the welfare and overall development of toddy industry workers in the country.

Hence this Bill.

NEW DELHI;
May 13, 2016.

BOORA NARSAIAH GOUD

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Toddy Industry Workers Welfare Fund. Clause 4 provides for the constitution of a Toddy Industry Workers Welfare Board to administer the Fund. Clause 5 provides utilisation of Fund for the welfare of Toddy Workers. Clause 7 provides that every State Government and Union Territory administration shall conduct a survey of toddy industry workers in the State and forward the information to the Central Government. Clause 8 provides for the formulation of a welfare scheme for Toddy Workers. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 160 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court of Orissa at Sambalpur

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Orissa (Establishment of a Permanent Bench at Sambalpur) Act, 2016.

Establishment of a permanent Bench of High Court of Orissa at Sambalpur.

2. There shall be established a permanent Bench of the High Court of Orissa at Sambalpur and such Judges of the High Court of Orissa, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Sambalpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Sambalpur, Deogarh, Sundargarh, Jharsuguda, Bargarh, Boudh, Kandhamal, Subarnapur, Balangir, Kalahandi and Nuapada.

STATEMENT OF OBJECTS AND REASONS

The High Court of Orissa is located at Cuttack in the State of Odisha. Keeping in view the geographical location of Odisha, people living in western region face a lot of inconvenience to travel long distance to reach the High Court of Orissa at Cuttack to pursue their pending cases. This is not only time consuming but also expensive for litigants especially belonging to poor sections of society.

There has been a long pending demand from the people of the State of Odisha especially those from Sambalpur, Deogarh, Sundargarh, Jharsuguda, Bargarh, Boudh, Kandhamal, Subarnapur, Balangir, Kalahandi and Nuapada district that a Bench of the High Court be established at Sambalpur which is an important commercial city and so to say the second capital of the State of Odisha. Therefore, establishment of a permanent Bench at Sambalpur would greatly help the people living in above said districts for quick disposal of their pending cases.

Hence this Bill.

NEW DELHI;
May 19, 2016.

NAGENDRA KUMAR PRADHAN

BILL NO. 189 OF 2016

A Bill to amend the Mental Health Act, 1987.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Mental Health (Amendment) Act, 2016.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1987.

2. In section 4 of the Mental Health Act, 1987 (hereinafter referred to as the principal Act), for sub-section (I), the following sub-section shall be substituted, namely:—

Amendment of Section 4.

"(I) Every State Government shall, within a period of six months from the date of coming into force of the Mental Health (Amendment) Act, 2016, by notification in the Official Gazette, establish an Authority to be known as the State Mental Health Authority."

3. In Chapter III of the principal Act, after section 5, the following section shall be inserted, namely:—

Insertion of new section 5A.

"5A. Every district hospital shall, within a period of six months from the date of coming into force of the Mental Health (Amendment) Act, 2016, establish or maintain a fully resourced psychiatric unit for admission, treatment and care of mentally ill persons."

Establishment or maintenance of psychiatric unit by every district hospital.

4. In section 6 of the principal Act, the proviso to sub-section (I) shall be omitted.

Amendment of Section 6.

5. In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IIIA.

"Chapter IIIA

MENTALLY ILL PERSONS—RIGHTS AND OTHER WELFARE MEASURES

14A. Every mentally ill person shall have the right to—

Rights of mentally ill persons.

(a) live in, be part of and not be segregated from society;

(b) live with dignity;

(c) live in safe and hygienic environment;

(d) privacy;

(e) be protected from all forms of physical, verbal, emotional and sexual abuse;

(f) adequate provision for wholesome and nutritious food;

(g) access to good quality emergency facilities and emergency services;

(h) access to mental health care services and treatment run or funded by the State Government; and

(i) access to all such health care services as are available to persons with physical illness including health insurance for treatment of mental illness.

14B. For the purposes of section 14A, every State Government shall—

State Government to designate a health officer.

(a) designate a Health Officer in every district to compile the details of mentally ill persons residing in that district;

(b) integrate mental health services into general health care services at all levels of primary, secondary and tertiary health care and in all health programs run by the Government;

(c) make provision of community based rehabilitation of, and establishments of shelter homes for mentally ill persons;

(d) ensure that every district hospital is equipped with mental health unit; and

(e) meet, if minimum health services are not available in the district where a mentally ill person resides, all costs of treatment in some other district.

State
Government
to establish
Mental
Health
Review Board
in every
district.

14C. Every State Government shall establish a Mental Health Review Board in every district to safeguard the rights of mentally ill persons."

Amendment
of section 24.

6. In section 24 of the principal Act, in sub-section (2), in clause (a), for the words "if the medical officer certifies" the words "if the medical board certifies" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The United Nations Convention on the Rights of Persons with Disabilities, which was ratified by the Government of India in October, 2007, made it obligatory on the Government to align the policies and laws of the country with the Convention. The need for amendments to the Mental Health Act, 1987 was felt by the fact that the said Act could neither protect the rights of persons with mental illness nor promote their access to mental health care in the country. The need is to provide legislative impetus aimed at clearly outlining the rights of the mentally ill persons and facilities that need to be made available to them.

The Bill, therefore, seeks to amend the Mental Health Act, 1987 with a view to, *inter alia*,

- (a) establish a State Mental Health Authority by every State Government;
- (b) establish or maintain a psychiatric unit for the admission, treatment and care of mentally ill persons in every District hospital;
- (c) confer certain rights to mentally ill persons;
- (d) designate a Health Officer in every district; and
- (e) establish a Mental Health Review Board in every district to safeguard the rights of mentally ill persons.

Hence this Bill.

NEW DELHI;
July 1, 2016.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every State Government shall establish the State Mental Health Authority. Clause 3 provides that every district hospital shall establish or maintain a psychiatric unit for the admission, treatment and care of mentally ill persons. Clause 5 provides that every State Government shall meet the cost of treatment, establishment of rehabilitation and shelter homes and providing emergency services to mentally ill persons. It also provides for establishment of a Mental Health Review Board in every district to safeguard the rights of mentally ill persons. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. However, the Central Government shall bear the expenditure in implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL NO. 190 OF 2016

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Section 499 of the Indian Penal Code, 1860, (hereinafter referred to as the Code), shall be numbered as sub-section (1) thereof, and after the *Tenth Exception* to sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:—

Amendment of
section 499.

(2) No person shall be punished for the offence of defamation unless—

(i) the person whose reputation is harmed seeks redressal in this regard;

Illustration: X makes a disparaging remarks against Y in bad faith, only Y will be able to seek redressal in court by X.

(ii) redressal is made within one year of publication or dissemination of defamatory material;

Illustration: If X publishes a defamation article against Y on January 1st, 2016, Y can seek legal redressal on or before 1st January, 2017 only.

(3) Any person intending to harm or knowing or having reason to believe that any publication will harm the reputation of other person, shall be punished for the offence of defamation on the basis of single publication rule.

Explanation.—For the purposes of this sub-section 'single publication rule' means—

(i) the person whose reputation is harmed has only one claim for each mass publication of defamatory article;

(ii) all damages suffered in all jurisdiction shall be recovered in one redressal; and

(iii) a judgment for or against the complainant upon the merits of any action for damages bars any other action for damages between the same parties."

3. For section 500 of the Code, the following section shall be substituted, namely:—

"500. Whoever defames another shall be punished with fine."

4. For section 501 of the Code, the following section shall be substituted, namely:—

"501. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with fine."

5. For section 502 of the Code, the following section shall be substituted, namely:—

"502. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with fine."

Substitution
of new section
for section
500.

Punishment
for
defamation.

Substitution of
new section
for section
501.

Printing or
engraving
matter known
to be
defamatory.

Substitution
of new section
for section
502.

Sale of
printed or
engraved
substance
containing
defamatory
matter.

STATEMENT OF OBJECTS AND REASONS

Free speech is the foundation value of modern democracies. While criminal defamation was incorporated in the Indian Penal Code back in 1860, it was never reviewed by the legislature. The argument that these colonial-era criminal defamation provisions are an unreasonable restriction on the constitutionally guaranteed right to freedom of speech and expression bears merit.

Indeed a joint declaration by the United Nations Special Rapporteur and other international bodies hold the view that criminal defamation is an unjustifiable restriction. In a recent judgment of the Hon'ble Supreme Court of India, the Bench in its decision observed that in the "changing climate of growing democracy, it is not permissible to keep alive such a restriction". However it leaves it to the wisdom of the legislature whether or not "to abolish criminality of defamation in the obtaining social climate".

This Bill seeks to amend section 499 of the Indian Penal Code, 1860 to allow for safeguards against unrestrained legal action for defamation. The Bill also mandates that only the offended party can file a defamation complaint, along with other restrictions such as the claim has to be valid only within the year of publication of defamatory article; and that any judgment upon the merits of case disallows further claims by the same parties in any other jurisdiction. Most importantly, this Bill also provides for fine as the only punishment instead of imprisonment or both.

Therefore, it is prudent that we review such colonial-era provisions of the Indian Penal Code, 1860.

Hence, this Bill.

NEW DELHI;
July 1, 2016.

BAIJAYANT PANDA

BILL NO. 177 OF 2016

A Bill to provide for compulsory teaching of disaster management education in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Teaching of Disaster Management Education in Educational Institutions Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Advisory Council” means the Advisory Council for Disaster Management Education constituted under section 6;

(b) “appropriate Government” means in the case of a State, the Government of State and in all other cases, the Central Government;

(c) “disaster” means any occurrence that cause damage, ecological disruption, loss of human life deterioration of health and health services on a scale sufficient to warrant an extraordinary response from outside the affected community or area;

(d) “Disaster Management” means discipline dealing with and avoiding risks that involves preparing for disaster before it occurs, disaster response including emergency evacuation, quarantine and mass decontamination as well as supporting and rebuilding society after occurrence of natural or human-made disasters;

(e) “educational institution” means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called but does not include a minority educational institution; and

(f) “prescribed” means prescribed by rules made under this Act.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the disaster management shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council.

Compulsory teaching of Disaster Management in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of disaster management in all educational institutions within its jurisdiction.

Appropriate Government to issue directions for compulsory teaching of Disaster Management in educational institutions..

5. Subject to such matters as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching disaster management in educational institutions.

Appointment of Disaster Management Teachers.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Disaster Management in Educational Institutions Act, 2016, by notification in the Official Gazette, constitute an Advisory Council for Disaster Management Education.

Constituion of Advisory Council for Disaster Management.

(2) The Advisory Council shall consist of such number of persons, having special knowledge or practical experience in the field of Disaster Management, as the Central Government may deem fit.

7. The Advisory Council shall perform the following functions, namely:—

Functions of Advisory Council for Disaster Management Education.

(a) recommend to the Central Government the syllabus of disaster management education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the disaster management shall be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching disaster management;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in disaster management for the purpose of their appointment in educational institutions;

(e) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

8. The appropriate Government shall derecognize educational institutions, which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effects of the Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

We are not able to prevent the earth from shaking, the wind from blowing or the rain from falling. However, with assessment and planning, physical and environmental protection and response preparedness, we can prevent these events from becoming disasters. Since schools are our universal institutions for sharing knowledge and skills, the expectations for schools to be role models in disaster prevention and management is high. Successful disaster mitigation is one of the ultimate tests of the success of the education we provide our generations.

Enthusiasm in disaster management preparedness generally fades once an emergency phase is past. Schools offers a good entry point for keeping communities alert and making disaster risk more sustainable. Highly educated teachers, trained students and well informed parents and family members can play an important role in disseminating knowledge and keeping their communities well-prepared. Teachers, students and their family members being responsible citizens of our country should be a part and parcel of disaster preparedness drive taken up in. It is not possible to plan for every eventuality that might occur; however, preparation is key to saving lives if a disaster strikes.

Current education system in schools lays emphasis on imparting quality education. However, our current education is missing out on disaster management education and is, therefore, incomplete without it.

The Bill, therefore, seeks to provide for making disaster management education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;
July 1, 2016.

CHANDRA PRAKASH JOSHI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of disaster management education teachers in all schools. Clause 6 provides for constitution of Advisory Council for disaster management education by the Central Government. Clause 9 provides for payment of adequate funds to the States for carrying out the purpose of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 181 OF 2016

A Bill to provide for compulsory teaching of legal education in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Legal Education in Educational Institutions Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Advisory Council” means the Advisory Council for Legal Education constituted under section 6;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “educational institution” means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) “legal education” means such aspects of civil and criminal law as are necessary for development of legal awareness in students; and

(e) “prescribed” means prescribed by rules made under this Act.

Compulsory teaching of legal education in Educational Institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the legal education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of Advisory Council.

Appropriate Government to issue directions for compulsory teaching of legal education in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of legal education in all educational institutions within its jurisdiction.

Appointment of teachers.

5. Subject to such matters, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching legal education in educational institutions.

Constitution of Advisory Council.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Legal Education in Educational Institutions Act, 2016, by notification in the Official Gazette, constitute an Advisory Council for Legal Education.

(2) The Advisory Council shall consist of such number of persons, having special knowledge or practical experience in the field of law, as the Central Government may deem fit.

Functions of Advisory Council.

7. The Advisory Council shall perform the following functions, namely:—

(a) recommend to the Central Government the syllabus of legal education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the legal education shall be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching legal education;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in legal education for the purpose of their appointment in educational institutions; and

(e) co-ordinate with the appropriate Government and the educational institutions authorities with a view to ensuring effective implementation of the provisions of this Act.

8. The appropriate Government shall derecognize such educational institutions, which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effects of the Act.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been generally believed among different sections and groups of the society that legal education is only for the law students, lawyers etc. However, basic legal education can play a very important role in our daily life. It is very necessary for every person to have certain basic knowledge of law, otherwise it would become very difficult for him to tackle several problems, from consumer protection to fundamental rights. There are certain laws and regulations, the basic knowledge of which is very necessary for every person. Lack of legal awareness and knowledge is the main reason that certain rights of a person get violated so easily.

The main reason why a common man does not take the violation of his rights seriously is that he lives under a belief that he would have to pay certain amount to the concerned lawyer. Moreover, he is scared of the legal process and the judicial system of the country. And, indeed he is not wrong. But there is another way which can be used to know how your rights can be protected from being violated.

It has been said that Knowledge is Power. It is the responsibility of education system to make a common man aware of his legal rights and how these legal rights can be saved. Current education system in schools lays emphasis on imparting quality education. However, it is missing out on legal education and is, therefore, incomplete without it.

The Bill, therefore, seeks to provide for making legal education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;
July 4, 2016.

CHANDRA PRAKASH JOSHI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of law education teachers in all schools. Clause 6 provides for constitution of Advisory Council for law education by the Central Government. Clause 9 provides for payment of adequate funds to the State for carrying out the purpose of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum from the Consolidated Fund of India.

A Non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 183 OF 2016

A Bill to provide for compulsory teaching of psychology in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Compulsory Teaching of Psychology in Educational Institutions Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—	Definitions.
(a) “Advisory Council” means the Advisory Council for Psychology Education constituted under section 6;	
(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;	
(c) “educational institution” means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called but does not include a minority educational institution;	
(d) “prescribed” means prescribed by rules made under this Act; and	
(e) “psychology” means study of behaviour and mind, especially those affecting mental characteristic or behaviour of a person or group.	
3. From such date, as the Central Government may, by notification in the Official Gazette specify, the psychology shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council.	Compulsory teaching of psychology in educational Institutions.
4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of psychology in all educational institutions within its jurisdiction.	Appropriate Government to issue directions for compulsory teaching of psychology in educational Institutions.
5. Subject to such matters, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching psychology in educational Institutions.	Appointment of Psychology Teachers.
6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Psychology in Educational Institutions Act 2016, by notification in the Official Gazette, constitute an Advisory Council for Psychology Education.	Constitution of Advisory Council for Psychology Education.
(2) The Advisory Council shall consist of such number of persons, having education, special knowledge or practical experience in the field of psychology, as the Central Government may deem fit.	
7. The Advisory Council shall perform the following functions, namely:—	Functions of Advisory Council.
(a) recommend to the Central Government the syllabus of psychology education for each class upto senior secondary level;	
(b) recommend to the Central Government the class from which onwards the psychology shall be taught in educational institutions;	
(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching psychology;	
(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in psychology education for the purpose of their appointment in educational institutions; and	
(e) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.	
8. The appropriate Government shall derecognize an educational institution which do not comply with the provisions of section 4, after giving such instituton a reasonable opportunity of being heard.	Derecognition of educational institution for non-compliance of the provisions of the Act.

Central
Government
to provide
funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding
effects of the
Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make
rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Psychology is the science of behaviour and cognitive processes. It is a field that seeks to obtain scientific information on everything human think, feel or do. The human mind is not static. It is always changing. Psychology is not merely study of as common sense, it provides sophisticated answers to complex questions about behaviour.

To understand human mind and behaviour, every person must have to know how human mind functions in everyday life. Through the study of psychology, students work to understand the complex mental processes that dictate human actions. Along with presenting an interesting academic challenge, psychology has a host of applicable uses. Those who dedicate themselves to the study of this discipline will find that they are able to apply their understanding of human behaviour to numerous situations and use their knowledge in their everyday life.

Current education system in schools lay emphasis on imparting quality education. However, our current education is missing out on psychology education and is, therefore, incomplete without it.

The Bill, therefore, seeks to provide for making psychology education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;
July 1, 2016.

CHANDRA PRAKASH JOSHI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of psychology education teachers in all schools. Clause 6 provides for constitution of Advisory Council for psychology education by the Central Government. Clause 9 provides for payment of adequate funds to the State for carrying out the purpose of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees one hundred crores will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 175 OF 2016

A Bill to make medical investigation of intending couples compulsory before marriage so as to diagnose, manage and monitor diseases in individuals and to prevent further spreading of diseases in children born to such couples.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Pre-marriage Medical Investigation Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "medical investigation" means a medical procedure or test performed to detect, diagnose or monitor diseases, disease processes or susceptibility to diseases and to determine a course of treatment; and

(c) "prescribed" means prescribed by rules made under this Act.

Medical investigations of male and female.

3. (1) Every male and female shall, before marriage, undergo such medical investigations, as the Central Government may, by notification in the Official Gazette, specify.

(2) Without prejudice to the generality of the foregoing provision, the medical investigations referred to in sub-section (1), shall include—

(a) test for HIV and other STDs;

(b) test for blood group to rule out incompatibility of blood group or rhesus isoimmunization;

(c) test for sickle cell genes; and

(d) test of fertility.

Formulation of medical investigation policy.

4. (1) The Central Government shall, in consultation with the Medical Council of India, within six months of the coming into force of this Act, formulate medical investigation policy prescribing norms to be followed.

(2) The Central Government shall issue guidelines and directions to the State Governments with regard to medical investigation of intending couples before their marriage.

Appropriate Government to provide free medical investigation facilities.

5. For the purposes of this Act, the appropriate Government shall—

(a) provide free medical investigation facilities to individuals once in every six months in State run hospitals; and

(b) ensure that medical investigation facilities are also provided to individuals in private hospitals at such concessional rates as may be prescribed.

Maintenance of health data report.

6. (1) Every person shall maintain his health data report in such manner, as may be prescribed.

(2) It shall be the duty of every person to disclose, before marriage, his health data report, to the other party to the marriage.

Central Government to provide requisite funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Penalty.

8. Whoever contravenes the provisions of this Act, shall be punished with imprisonment for a term which may extend upto six months and with fine which may extend upto rupees ten thousand.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At present, diabetic population of India is estimated to be around 62 million. Besides, India has 2.1 million people living with HIV. Also, there are about 2 million registered cancer patients in India with majority of population unregistered or unaware. Blood pressure related issues are also on the rise. A large number of cases are either not detected or remain under-diagnosed. Moreover, deaths due to various illnesses are not registered thus making the situation more alarming.

Some of these diseases are transmitted through sexual contact. It is, therefore, the need of the hour to make medical investigation of every individual mandatory before marriage so that these fatal diseases are not further transmitted or passed on to the coming generations.

Hence this Bill.

NEW DELHI;
July 4, 2016.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that appropriate Government shall provide free medical investigation facilities to individuals once in every six months in State run hospitals. Clause 7 provides that the Central Government shall provide requisite funds to the State Government for carrying out the purposes of this Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the States concerned. However, the expenditure relating to Union territories shall be borne out for the Consolidated Fund of India. The Bill, therefore, enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved from the Consolidated fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 187 OF 2016

A Bill to provide for prohibition of use of surname in order to eradicate caste identities and the discriminations associated therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Use of Surname (Prohibition) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "given name" means the first name of an individual which is given to a person at birth; and

(c) "surname" means a name shared in common to identify the members of a family, as distinguished from member's given name which may also be based on individual's occupation or caste or area of residence.

Prohibition on use of surname.

3. (1) The use of surname by any citizen for any personal, legal or official purpose is hereby prohibited.

(2) Nothing in sub-section (1) shall prevent a person from using his father's or mother's given name along with his given name for any personal, legal or official purpose.

Circumstances under which surname may be used.

4. Notwithstanding anything in section 3, the appropriate Government may, by notification in the Official Gazette, specify the purposes for and the circumstances or technical grounds under which a citizen may use his surname.

Power to remove difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Caste is a mantle or membership we acquire by birth. We not only inherit our genes from our parents but also our caste. The first thing we learn about a person after greeting him is his name. Names not only reflect our personality but also give us the first link to the religion, race or community we belong to. We are named after our ancestors, family members, after popular icons, clan, occupation, religion or even the locality we are from. There have been numerous instances in the education and job sectors where examiners and interviewers have been favourable to candidates of their own community by just glancing at the caste suffix names or vindictive to candidates whose caste or community they loathe.

To eradicate caste identities and the discriminations associated therewith, use of surnames should be abolished. This social revolution of eliminating caste names began two generations ago in Tamil Nadu. The dropping of the caste tags of Mudaliar, Nadar, Gounder, Thevar, Iyer, Pillai, Vanniyar etc. in the last 30 years or so is a great social change that needs to be acknowledged and followed in all parts of the country.

It will be naive to assume that dispensing with caste names will lead to a casteless society. However, adoption of generic names will be a small but definite step towards eradicating caste from this society.

Hence this Bill.

NEW DELHI;
July 4, 2016.

KIRIT PREMJBHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 180 OF 2016

A Bill further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Wild Life (Protection) Amendment Act, 2016.

Short title.

53 of 1972.

2. Section 9 of the Wild Life (Protection) Act, 1972 shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

Amendment
of section 9.

“(2) Nothing in sub-section (1) shall apply to the hunting of the wild animals in the State of Rajasthan.”.

STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Act, 1972 has been enacted with a view to ensure ecological and environmental security of the country by preserving and protecting the wild life in the country. Section 9 prohibits hunting of certain wild animals specified in schedules I to IV to the Act. However, section 11 empowers the Chief Wild Life Warden or the authorised offices to permit any person to hunt wild animal which has become dangerous to human life or property including standing crops on any land.

Wild animals especially tigers are found in the forests in the State of Rajasthan and they have become a great threat to the human life and cause a great damage to the agriculture. As the wild animals multiply quickly, their number has increased alarmingly. The Act prohibits the hunting of wild animals. Therefore, the villagers in the State of Rajasthan are helpless when these animals enter their fields and damage their crops. In many cases, when villagers tried to shoo away these animals out of their fields, the animals attacked them thereby putting their lives to threat. It is, therefore, necessary that the Act should be amended so as to permit hunting of wild animals in the State of Rajasthan.

Hence, this Bill.

NEW DELHI;
July 4, 2016.

SUKHBIR SINGH JAUNAPURIA

BILL NO. 184 OF 2016

A Bill to provide for all-round development of children and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Development Act, 2016.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "child" means a person who has not attained the age of eighteen years; and

(iii) "prescribed" means prescribed by rules made under this Act.

Constitution
of the Child
Development
Fund.

3. (1) The Central Government shall by notification in the Official Gazette, constitute a Fund to be known as the Child Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) There shall also be credited to the Fund, donations or contributions received from other organisations or individuals.

(4) The Fund shall be utilised in such manner as may be prescribed for carrying out the purposes of this Act.

Rights of a
child.

4. Every child shall have the right to—

(i) free education upto senior secondary level in all schools including Government aided private schools;

(ii) scholarship, in such cases as may be prescribed;

(iii) nutritious food, including mid-day meal in the schools;

(iv) free transport facilities between place of residence and the educational institutions;

(v) free bicycles, where there are no proper transport facilities;

(vi) free vocational training;

(vii) free access to the public libraries under the control of the appropriate Government;

(viii) free access to the games and sports facilities; and

(ix) free travel in railways for undertaking educational tour.

Explanation.— For the purposes of clause (i), "free education" means education without payment of charges of fee of any kind and includes supply of books, stationery items and uniform, free of cost.

Appropriate
Government
to implement
the Act.

5. It shall be the duty of appropriate Government to implement the provisions of this Act.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Children are the future of a country. Majority of the children in our country do not have access to quality educational facilities and sports facilities due to lack of funds with their parents. In fact, their parents are so poor that sometimes they can't even afford a single square meal in a day. Consequently, due to the lack of proper nutrition and proper healthcare, these children become disease prone.

Moreover, in many rural areas children do not have any recreational facilities.

It is, therefore, necessary to bring a law providing basic educational facilities free of cost and access to sports facilities to every child to ensure all round development of his personality.

Hence this Bill.

NEW DELHI;
July 4, 2016.

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Child Development Fund. Clause 4 confers certain rights on children including free educational scholarship and free vocational training, etc. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 178 OF 2016

A Bill to provide for compulsory harvesting of rainwater by every household, business establishment and Government building, in order to ensure availability of water and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

- | | |
|---|--------------------------------|
| <p>1. (1) This Act may be called the Rainwater (Compulsory Harvesting) Act, 2016.</p> <p>(2) It extends to the Union territories only.</p> | <p>Short title and extent.</p> |
| <p>2. It is hereby declared that it is expedient in public interest that the Union Government undertake measures to preserve and harvest rainwater in the country for augmenting drinking water availability in the country.</p> | <p>Declaration.</p> |
| <p>3. In this Act, unless the context otherwise requires,—</p> <p style="padding-left: 40px;">(a) “business establishment” includes any building which is used as an office or a factory in connection with any trade or business;</p> | <p>Definitions.</p> |

(b) “Government” means the Central Government or the Union territory Administration, as the case may be;

(c) “Government building” includes the offices of the Ministries, departments, public sector enterprises, statutory bodies or bodies owned or administered by the Government and autonomous bodies, local self Government bodies and residential areas of Government employees provided by the Government;

(d) “household” means a dwelling unit of any description; and

(e) “prescribed” means prescribed by rules made under this Act.

Compulsory rainwater harvesting in Government buildings.

4. Notwithstanding anything contain in any other law for the time being in force, the Government shall construct and provide necessary infrastructure for rainwater harvesting in the buildings owned by it in such manner and within such time as may be prescribed.

Compulsory rainwater harvesting by households and business establishments.

5. (1) Notwithstanding anything contained in any other law for the time being in force, every household and business establishment shall compulsorily adopt measures for rooftop rainwater harvesting in such manner and within such time as may be prescribed.

(2) It shall be duty of the head or *Karta* of that household, to implement the provisions of sub-section (1).

Duty of Government to protect water bodies.

6. It shall be the duty of the Government to construct or repair conventional water bodies such as wells, tanks, ponds, creeks and watersheds and other water bodies to preserve the rainwater so as to recharge the levels of ground water.

Action plan to educate the masses about rainwater harvesting.

7. The Government shall, as soon as possible, prepare an action plan to educate the masses about the technology and the benefits of rooftop rainwater harvesting and also associate non-Governmental organisations and such other agencies or institutions, as it may deem fit for the purpose, in such manner as may be prescribed.

Punishment.

8. Any person violating the provisions of this Act shall be punished with simple imprisonment for a term which may extend to one year or with a fine which may extend to rupees one lakh or with both.

Act to have overriding effect.

9. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other laws.

10. for the time being in force.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is estimated that our country receives rainfall of about four thousand billion cubic metres every year and major part of this rainwater goes waste as it falls into the sea through the rivers of our country. This huge wastage of rainwater is taking place inspite of the fact that there is severe shortage of drinking water throughout the country. Water is a scarce resource and its availability for drinking and other household purposes in the country as a whole is hardly as per requirement-more so in the desert and drought prone areas. The only way to overcome this problem is to prevent the wastage of rainwater by conserving it through harvesting and recharging the ground water levels.

Identification of the areas not receiving normal rainfall with the help of reconnaissance of each and every hamlet of the country, for success of this programme is the need of the hour. The private sector as well as the non-governmental organisations have to play a major role in physical and financial terms, in order to achieve the goal of rainwater harvesting. To save the planet earth, we have to make rooftop rainwater harvesting a movement of the masses, in which, the Government, corporates and every household would participate and preserve the rainwater which is the purest form of water. This will increase the level of ground water which can be used for drinking and other purposes. Hence, it has become necessary to make rooftop rainwater harvesting mandatory throughout the country to overcome the water scarcity which otherwise will worsen further in near future if we do not act now.

Hence this Bill.

NEW DELHI;
July 4, 2016.

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for creating infrastructure for compulsory rainwater harvesting in Government buildings. Clause 6 provides that the Central Government shall construct and repair of water bodies. Clause 7 provides that the Central Government shall give publicity to benefits of rainwater harvesting and provide assistance to Non-Governmental Organisations and private sector for the purpose of creation of rainwater harvesting infrastructure. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 195 OF 2016

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

35 of 2009.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 2, after clause (q), the following clause shall be inserted, namely:— Amendment of section 2.

(r) "uniform education system" means education system having a common syllabus and school curriculum for all stages of elementary education across the country.'.

3. In section 3 of the principal Act, in sub-section (1), after the words "neighbourhood school", the words, "with the value based uniform education system," shall be inserted. Amendment of section 3.

STATEMENT OF OBJECTS AND REASONS

Consequent upon the enactment of the Constitution (Eighty-sixth Amendment) Act, 2002, the Right of Children to Free and Compulsory Education Act, 2009 was enacted to provide for free and compulsory education to all children of the age of six to fourteen years.

The right of a child should not be restricted only to free and compulsory education. Article 21A of Constitution read with articles 14 and 15 explains that there must be no discrimination in quality education irrespective of economic, social and cultural background.

It is true that disparities and inequalities of various kinds like inequalities based on caste, creed, region or religion or economic inequalities are prevalent in the society. Such inequalities will be rooted out if the coming generation and children in their formative years have uniform resources and opportunity to understand and learn about each aspect of this country and events of the world at large.

Currently the National Curriculum Framework (NCF), 2005 sets the guidelines and directions for syllabus and textbooks for all stages of school education. Schools affiliated to the Central Board of Secondary Education follow the National Council for Education Research and Training syllabus and textbooks. However, States through their State Councils of Education Research and Training (SCERTs) or State Board develop and adopt their own textbooks.

To build a code of common culture, removal of disparity of all kind and discriminatory values in human relations and assuring dignity of individuals is required. There is a need to have the common curriculum and syllabus at all stages of school education for all schools across the whole territory of India. It will not only enhance the virtues and improve the quality of human life but also elevate the thought leading to the advancement of our constitutional philosophy of equal society.

It will help to achieve social and economic equality goals along with promoting fraternity, it would be a baby step towards the basic preparation of Uniform Civil Code.

Hence this Bill.

NEW DELHI;
July 07, 2016.

RAJENDRA AGRAWAL

BILL NO. 201 OF 2016

A Bill to protect the women Self Help Groups from exploitation by the Micro Finance Institutions in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Micro Finance Institutions (Regulation of Money Lending) Act, 2016.

Short title,
extent and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) 'interest' means a return on the amount lent by the Micro Finance Institution to a Self Help Group;

(iii) 'loan' means an advance whether of money or in kind given to a Self Help Group in consideration of interest, whether given before the commencement of this Act or after such commencement and includes discount, money paid for or on account of or on behalf of or at the request of any person or any account, whatsoever and every agreement (whatever its terms or form may be) which is in substance or effect a loan of money or in kind given to a Self Help Group and further includes, an agreement relating to the repayment of any such loan;

(iv) 'Micro Finance Institution' means any person, partnership firm, group of persons, including a Company registered under the provisions of the Companies Act, 2013, a Non-Banking Financial Company as defined under section 45-I of the Reserve Bank of India Act, 1934, a society registered under the Societies Registration Act, 1860, a trust created under the Indian Trust Act, 1882, a Co-operative Society registered under the Co-operative Societies Act, 1912 in whichever manner formed and by whatever name called, whose principal or incidental activity is to lend money or offer financial support of whatsoever nature to the low income population;

18 of 2013.
2 of 1934.
21 of 1860.
2 of 1882.
2 of 1912.

(v) 'prescribed' means prescribed by rules made under this Act;

(vi) 'Registering Authority' means an Authority constituted under section 3;

(vii) 'Registration' means registration granted to a Micro Finance Institution under this Act;

(viii) 'Self Help Group' means a group of women formed on principles of self help and registered as such with the appropriate Government; and

(ix) "Self Help Group member" means a registered member of a Self Help Group who intends to avail a loan through such Self Help Group.

Registering
Authority for
registration
and regulation
of Micro
Finance
Institutions.

3. The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Registering Authority for the purpose of registration and regulation of Micro Finance Institutions in every district of the country.

Functions of
Registering
Authority.

4. (1) All Micro Finance Institutions operating in the country shall, within thirty days from the date of commencement of this Act, apply for registration before the Registering Authority of the district concerned specifying therein such details as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision such rules shall also provide for the name of villages or towns in which the Micro Finance Institutions are operating or propose to operate, the rate of interest being charged or proposed to be charged, system of conducting due diligence and system of effecting recovery and list of persons who may be authorized for conducting the activity of lending or recovery of money which has been lent.

(3) No Micro Finance Institution operating at the commencement of this Act or intending to start the business of lending money to Self Help Groups after the commencement of this Act shall grant any loan or recover any loan without obtaining registration under this Act from the Registering Authority.

(4) The Registering Authority shall verify the details furnished by the Micro Finance Institution and accord registration in such manner as may be prescribed for operation of Micro Finance Institutions for a period of not more than one year at a time.

(5) Every Micro Finance Institution shall submit a written undertaking declaring that it shall act in conformity with the provisions of this Act.

(6) Every Micro Finance Institution shall apply for renewal of registration at least sixty days before the expiry of the period of one year referred to in sub-section (4).

(7) The Registering Authority, on receipt of an application for renewal of registration shall either grant or refuse to grant the renewal of registration within fifteen days before the

date of expiry of registration, after due verification of the performance of the Micro Finance Institutions at the field level and after hearing objections, if any, from the general public regarding extension of registration.

5. (1) Every Registering Authority shall maintain for the area under its jurisdiction a register of all Micro Finance Institutions having valid registration in such form as may be prescribed.

Register of
Micro Finance
Institutions.

(2) The register maintained under sub-section (1) shall be published in such manner and at such intervals as may be prescribed.

6. (1) The Registering Authority may, at any time, either *suo motu* or upon receipt of complaints by Self Help Groups or its members or by members of the public, cancel the registration of a Micro Finance Institution after assigning sufficient reasons for such cancellation:

Cancellation
of
registration
of Micro
Finance
Institutions.

Provided that no order of cancellation of the registration shall be passed without giving reasonable opportunity of being heard to the Micro Finance Institution concerned.

Explanation.—For the purposes of this section, conviction of a Micro Finance Institution for an offence or violation of any of the provisions of this Act shall be a sufficient cause for suspension or cancellation of its registration.

(2) The Registering Authority may, pending inquiry under sub-section (1), for sufficient reasons to be recorded, suspend the registration of a Micro Finance Institution.

7. No person shall be a member of more than one Self Help Group:

Member of
Self Help
Group not to
be member of
more than
one Self Help
Group.

Provided that where a person is, at the commencement of this Act, a member of more than one Self Help Group, such person shall have the option to retain the membership of only one Self Help Group and terminate the membership in other Self Help Groups:

Provided further that where a person expresses his intention of termination of membership of a Self Help Group, such member shall settle and pay the amount payable to the Micro Finance Institutions within a period of three months from the date of commencement of this Act.

8. No Micro Finance Institution shall seek any security from a borrower by way of pawn, pledge or any other security for the loan:

Micro Finance
Institutions
not to seek
security for
loan.

Provided that any such security obtained from a borrower before the commencement of this Act shall forthwith stand released in favour of the borrower.

9. (1) All Micro Finance Institutions shall display the rates of interest charged by them in a conspicuous place in their office premises in local language in bold letters visible to the members of the public.

Display of
rates of
interest
charged by
Micro
Finance
Institutions.

(2) No Micro Finance Institution shall charge any other amount from the borrower except any charge prescribed in the rules for submission of an application for grant of a loan.

10. (1) No Micro Finance Institution shall recover from the borrower towards interest in respect of any loans advanced by it, whether before or after commencement of this Act, an amount in excess of the principal amount.

Maximum
amount of
interest
recoverable
on loans and
discharge of
loans in
certain cases.

(2) All loans in respect of which a Micro Finance Institution has realized from the borrower, whether before or after commencement of this Act, an amount equal to twice the amount of the principal, shall stand discharged and the borrower shall be entitled to obtain refund and the Micro Finance Institution shall be bound to refund the excess amount paid by the borrower.

11. (1) No Micro Finance Institution shall extend a further loan to a Self Help Group or its members, where the Self Help Group has an outstanding loan from a bank unless the Micro Finance Institution obtains the prior approval in writing in such manner as may be prescribed from the Registering Authority after making an application seeking such approval.

Prior
approval for
grant of
further loans
to Self Help
Groups or
their
members.

(2) The Registering Authority while considering such application from a Micro Finance Institution seeking approval as aforesaid, shall secure the following information in writing from the Micro Finance Institution in regard to every member of Self Help Group namely,—

- (i) name of the Borrower;
- (ii) name of the Self Help Group;
- (iii) bank from which loan has been obtained by the Self Help Group;
- (iv) date of the loan granted by the bank;
- (v) amount paid to the Self Help Group by the bank;
- (vi) amount due from the Self Help Group;
- (vii) fresh amount of loan sought by the Self Help Group from the Micro Finance Institution;
- (viii) terms of repayment proposed by the Micro Finance Institution;
- (ix) details of due diligence including the capacity of the Self Help Group for repayment; and
- (x) such other details as may be prescribed by rules made under this Act.

(3) The Registering Authority shall, not later than fifteen days from the date of filing of such application for approval under sub-section (2), cause an inquiry into the contents of the application before granting approval to further loan.

(4) If the Registering Authority is satisfied that the Self Help Group and its members have passed a resolution that they have understood the conditions of the loan and terms of repayment and the Registering Authority is also satisfied that such further loan may generate additional income to the Self Help Group and its members for servicing the debt.

(5) No Micro Finance Institution shall grant loan to a member of Self Help Group during the subsistence of two previous loans irrespective of the source of the previous two loans.

Duty of
Micro
Finance
Institutions
to maintain
accounts and
furnish
copies.

12. (1) All borrowings by a member of a Self Help Group from a Micro Finance Institution shall be contracted in such manner, form and format, as may be prescribed.

(2) Every Micro Finance Institution shall keep and maintain a cash book, a ledger and such other books of account in such form and manner as may be prescribed.

(3) Every Micro Finance Institution shall—

(a) deliver or cause to be delivered, to the borrower within seven days from the date on which a loan is made, a statement in the prescribed form showing in clear and distinct terms the amount and date of the loan and of its maturity, the name and address of the functionary of the Micro Finance Institution and the effective rate of interest charged;

(b) upon repayment of a loan in full, obtain an indelible mark on every paper signed by the borrower with words indicating such repayment and provide copies thereof to the borrower.

(4) No Micro Finance Institution shall receive any payment from a borrower on account of any loan without giving him a duly signed receipt for the payment.

(5) Every Micro Finance Institution shall, on a demand in writing by the borrower, supply a copy of any document relating to a loan availed by the borrower, or if the borrower so requires, to any person specified in that behalf in the demand:

Provided that in respect of loans given prior to the commencement of this Act, it shall be obligatory for the lender to specify if any security was accepted from the borrower.

(6) All tranches of repayment shall be made by the group at the office of the Gram Panchayat only.

(7) No Micro Finance Institution shall deploy any agent for recovery or use any other coercive action either by itself or by its agents for recovery of money from the borrower; and any form of coercive recovery including but not limited to visiting the house of the borrower shall, apart from being punishable under the provisions of this Act, empower the Registering Authority to suspend or cancel the license of such Micro Finance Institution.

13. Every Micro Finance Institution shall submit a monthly statement to the Registering Authority before 10th day of every month giving therein the list of borrowers, the loan given to each, the rate of interest charged on the loan and the repayment made.

Submission of monthly statement by Micro Finance Institutions. Power to require production of records or documents and power of entry, inspection and seizure.

14. (1) The Registering Authority or any officer authorised by him in this behalf may, to verify whether the business of the Micro Finance Institution is being carried on in accordance with the provisions of this Act, enter the premises of the Micro Finance Institution office or of any person who in his opinion is carrying on the business of lending and call upon him to produce any record or document relating to such business and every such Micro Finance Institution shall allow such inspection and produce such record or document.

(2) The Registering Authority may, for the purpose of sub-section (1), search the premises and seize any record and document as may be necessary and the record or document seized shall be retained only for such period as may be necessary for the purposes of examination, prosecution or other legal action:

Provided that the provisions of sections 100 and 102 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to such search and seizure.

2 of 1974.

(3) The Registering Authority or the other officer referred to in sub-section (1) shall also have power to summon and examine the Micro Finance Institution or any person who in his opinion is in a position to furnish relevant information.

15. (1) Any Self Help Group or its members or any member of the public may file a complaint regarding violation of the provision of this Act by a Micro Finance Institution before the Registering Authority.

Complaints.

(2) The Authority, on receipt of a complaint, shall inquire into the same after giving a reasonable opportunity to the Micro Finance Institution to show cause and pass such orders as it may deem fit.

16. (1) For the protection of debtors and for the settlement of disputes of civil nature between the Self Help Group or its members on the one hand and the Micro Finance Institution on the other hand or between the members of the Self Help Group and the Self Help Group, in relation to the loans granted under this Act to the Self Help Group or its members, the appropriate Government after consultation with the High Court, and by notification,—

Settlement of disputes between Self Help Group and Micro Finance Institution.

(a) shall, as soon as may be after the commencement of this Act, establish for every district in the State a Fast-Track Court;

(b) may establish Fast-Track Court for such other areas in the State, as it may deem necessary.

(2) The appropriate Government shall, after due consultation with the High Court concerned, specify, by notification, the local limits of the area to which the jurisdiction of a Fast-Track Court shall extend and may, at any time, increase, reduce or alter such limits.

(3) The cases that may be filed before the Fast-Track Court shall be disposed of within a period of three months.

(4) The decree of the Fast-Track Courts shall be liable to be executed in accordance with the procedure under the Code of Civil Procedure, 1908.

5 of 1908.

17. (1) All persons who are connected with and responsible for the day-to-day control, business and management of a Micro Finance Institution including the Partners, Directors and the employees who resort to any type of coercive measures against the Self Help Groups or its members or their family members shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees or with both.

Penalty for coercive actions by Micro Finance Institutions.

Explanation.— For the purpose of this section, "coercive action" by a Micro Finance Institution against the Self Help Groups or its members or their family members includes the following:—

(a) obstructing or using violence to, insulting or intimidating the borrower or her family members, or

(b) persistently following the borrower or her family members from place to place or interfering with any property owned, or used by her or depriving her of, or hindering her in, the use of any such property, or

(c) frequenting the house or other place where such other person resides or works, or carries on business, or happens to be, or

(d) doing any act calculated to annoy or intimidate such person or the members of her family, or

(e) moving or acting in a manner which causes or is calculated to cause alarm or danger to the person or property of such other person, or

(f) seeking to remove forcibly any document from the borrower which entitles the borrower to a benefit under any Government programme:

Provided that a person who frequents the house or place referred to in clause (c) in order merely to obtain or communicate information shall not be deemed to be using coercive action.

(2) The Micro Finance Institution or the persons who use coercive actions shall be prosecuted in accordance with the provisions of this Act.

(3) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the proceedings before a Fast-Track Court, and for the purpose of the said provisions, a Fast-Track Court shall be deemed to be a Magistrate.

2 of 1974.

Penalty for carrying on business without registration.

18. All persons who are connected with and responsible for the day-to-day control, business and management of a Micro Finance Institution, including the Partners and Directors of Institution, which carries on the business of providing loans without obtaining registration from the Registering Authority shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to one lakh rupees.

Penalty for contravention of the provisions of the Act.

19. If any person contravenes any provision other than those of sections 4, 17 and 18 of this Act, he shall be punished with imprisonment for a term of six months or with fine which may extend to ten thousand rupees or with both.

Every officer to be public servant.

20. Every officer of the Government and every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Bar on certain proceedings.

21. (1) No suit, prosecution or other proceedings shall lie against any officer or employee of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or the rules made thereunder.

Power to remove difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, remove difficulties by orders not inconsistent with the provisions of this Act, but which appear to them to be necessary or expedient to remove such difficulty:

Provided that no such order shall be made after the expiry of a period of three years, from the date of commencement of this Act.

Power to give directions.

23. The Government may, from time to time, issue such orders, instructions and directions not inconsistent with the provisions of this Act and the rules made thereunder to

the officers for the proper administration of the Act, and such officers and all other persons employed in the enforcement of the Act, shall comply with such orders, instructions and directions.

24. The Central Government shall prepare an annual report, in such form and manner, as may be prescribed, on the administration of this Act and cause the same to be laid before each House of Parliament.

Annual report.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, so, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The State Governments have made rapid strides in the field of financial inclusion of the rural and urban poor by organising women Self Help Groups (SHG) and linking them with the banks for meeting their credit needs.

However, of late, many individuals and other entities have come up styling themselves as Micro Finance Institutions and are giving loans to Self Help Groups at very high or usurious rates of interest and are using inhuman coercive methods for recovery of the loans. This has even resulted in suicides by many rural poor who have obtained loans from such individuals or entities.

In the larger public interest and to protect the poor from exploitation, and to regulate the lending of monies to the Self Help Groups by the Micro Finance Institutions, it is urgently required to bring forward a suitable legislation to check the illegal acts of these Micro Finance Institutions across the country.

This Bill seeks to achieve the above objectives.

NEW DELHI;
July 5, 2016.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall constitute an authority to be known as the Registering Authority in every district for the purpose of registration and regulation of Micro Finance Institutions. Clause 5 provides for maintenance of a register of Micro Finance Institutions by the Registering Authority. Clause 16 provides for establishment of Fast-Track Court in every district in the State. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve about rupees one hundred crore as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No.202 OF 2016

A Bill to provide for the constitution of an Authority for the purpose of promotion of generation and utilization of solar energy in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Solar Energy Authority Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Authority” means the National Solar Energy Authority established under section 3; and

(c) “prescribed” means prescribed by rules made under this Act.

3. The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the National Solar Energy Authority for the purpose of promotion of generation and utilization of solar energy in the country.

Establishment of National Solar Energy Authority.

4. (1) The Authority shall consist of:—

Composition of the Authority.

- | | | |
|---|---|------------------------------|
| (i) Minister-in-charge of the Union Ministry of New and Renewable Energy | : | Chairperson; |
| (ii) Secretary, Union Ministry of Finance | : | member, <i>ex-officio</i> ; |
| (iii) Secretary, NITI Aayog | : | member, <i>ex-officio</i> ; |
| (iv) Ministers-in-charge of the Department of Energy of State Governments | : | members, <i>ex-officio</i> ; |
| (v) Principal Secretaries of State Governments | : | members, <i>ex-officio</i> ; |
| (vi) five persons having not less than fifteen years of experience of working in the field of non-conventional power generation sector, to be nominated by the Central Government in such manner as may be prescribed | : | members; and |
| (vii) Secretary, Union Ministry of New and Renewable Energy | : | member-secretary. |

(2) the Chairperson and other members of the Authority shall hold office for a period of three years.

(3) The headquarters of the Authority shall be at New Delhi.

(4) The salary and allowances payable to, and other terms and conditions of the service of members other than *ex-officio* members of the Authority shall be such as may be prescribed.

(5) The Central Government shall provide such number of officers and staff to the Authority as is required for its efficient functioning.

(6) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

(7) The Authority shall meet at least four times in a year.

(8) The Authority shall have its offices in every State to be headed by the Secretary of the Department of Power of the Government of that State.

(9) The Offices of the Authority in the States shall function under the overall guidance and control of the Authority.

5. The Authority shall perform the following functions:—

Functions of the Authority.

- (i) exploring the potential of solar power generation in each State and compiling a comprehensive report on potential of solar power generation;
- (ii) providing requisite technological and financial assistance for solar energy generation;

(iii) promoting research in the field of solar energy to improve the technology with the aim of increasing solar energy generation;

(iv) promoting projects relating to solar energy for increasing the availability of equipments used in solar energy generation and also making available state-of-the-art technology, guidance and other assistance with a view to increasing solar energy generation;

(v) organizing workshops and seminars on generation, utilization and promotion of solar energy;

(vi) making recommendations for maximum use of solar energy in Government buildings;

(vii) prescribing guidelines for issuing of no-objection certificate for installation of solar energy equipments in residential units, housing colonies and offices in urban areas; and

(viii) recommending to the Government regarding payment of subsidy for promoting the use of solar energy by making it cost effective.

Commercial establishments to use solar energy.

6. As soon as may be, but not later than two years from the commencement of this Act, the appropriate Government shall take steps to make mandatory the use of solar energy in all commercial establishments having a turnover of more than rupees ten lakh per annum.

Penalty.

7. Any commercial establishment violating the provisions of section 6 shall be punished with fine which may extend to rupees five lakh.

Central Government to provide Funds.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the Authority for the effective implementation of the provisions of this Act.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Country is currently going through a phase of crisis in the power sector. Almost all sectors of the economy are suffering due to the shortage of power in the country. Persons working in the fields of industry, agriculture, health, business, education are facing hardships on account of shortage of power in the country. New technologies are being developed to overcome the shortage of power. Solar energy is one such technology. Generation of solar energy has now become easier and more cost effective. Nowadays, the cost of power based on solar energy comes to fifteen rupees per unit but with improvement in technology it is likely to come down to four rupees per unit. Power is essential to build infrastructure in the country. It is necessary to promote alternate sources of energy because of paucity of coal and pollution caused by atomic energy. In view of growing concern regarding global warming, we can increase the generation of solar energy to meet our energy needs on the basis of resources available locally. Sunshine is available in our country for 250 days out of 365 days. Desert areas and wasteland in our country have the potential of large scale generation of solar energy through solar energy projects. Government needs to take appropriate steps for it. Today, generation of solar energy and manufacturing of associated equipments are expensive. Intervention by the Government is required to make solar energy a viable alternative to other sources of energy. Intervention may be in the form of promoting research in the field of solar energy, better marketing and promoting its utilization especially in commercial establishments.

The Bill seeks to provide for legislative framework to promote the use of solar energy in residential, industrial, agriculture sectors including in Government and private establishments. Therefore, it is proposed to constitute an Authority to promote generation and utilization of solar energy in the country.

Hence this Bill.

NEW DELHI;
July 5, 2016.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of National Solar Energy Authority. Clause 4 provides for composition of the Authority. Clause 5 provides for certain functions of the Authority. Clause 8 provides that the Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees ten thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 192 OF 2016

A Bill to abolish the practice of child labour in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour (Abolition) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "child" means a boy or a girl who has not attained the age of eighteen years;

(c) "establishment" includes a household, shop, commercial establishment, workshop, farm or any residential place where commercial activity is involved, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment; and

(d) "prescribed" means prescribed by rules made under this Act.

Abolition of child labour.

3. Child labour, in any form, in any establishment in the country, is hereby abolished.

Punishment.

4. Whoever employs a child in any establishment, shall be punished with simple imprisonment for a term which may extend upto three years and with fine which may extend upto rupees one lakh.

Punishment to parents or lawful guardians for coercion.

5. Any parent or a lawful guardian of a child, who coerces his child into employment, shall be punished with simple imprisonment for a term which may extend upto one year and with fine which may extend upto rupees fifty thousand.

Closure of an establishment, engaging child labour.

6. (1) Any establishment employing children shall remove such children from employment within a period of six months from the date of coming into force of this Act.

(2) If, after the expiry of the period specified in sub-section (1), any establishment fails to remove children employed in that establishment, the appropriate Government shall order closure of such establishment.

Establishment of children homes and other welfare measures for rehabilitation of children.

7. (1) The appropriate Government shall establish at least one children home in every district for rehabilitation of children found employed in any establishment or collecting rags and waste or begging.

(2) The appropriate Government shall provide a monthly stipend of rupees five hundred per month to the parents of the children placed in the rehabilitation centres.

(3) The children homes established under sub-section (1) shall provide free boarding and lodging, education, maintenance and such other facilities to the children, as may be prescribed, till they attain the age of eighteen years.

(4) Any child who is found employed in any establishment or collecting rags and waste or begging shall immediately be taken into custody by the police and sent to the nearest children home.

(5) The appropriate Government shall provide grants to the recognised non-Governmental organisations working in the field of abolition of practice of child labour for setting up of the rehabilitation centre:

Provided that in cases of children affected by physical or mental disability, the specialized rehabilitation centres shall be set up under the supervision of the appropriate Government.

Act to have overriding effect.

8. The provisions of this Act or rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Child Labour (Prohibition and Regulation) Act, 1986 or any other law for the time being in force or in any instrument having effect of law by virtue of any law other than this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is sadly the home to the largest number of child labour in the world. An estimated 1% workforce employed in the hazardous industries such as manufacturing crackers, diamond polishing, glass, brassware, carpet weaving, bangle making, domestic help, mining, brick kilns, silk manufacturing, agricultural labour and stone quarries, are comprised of children as workers ranging in the group of 12-18. All this is because children are the source of cheap labour as they can be paid less wages or can be abused without provoking retaliation.

Poverty is cited as a major cause of child labour, but it is not the only determinant. Inadequate number of schools or even the expense of providing education leave some of the children with practically no option but to work. The attitude of parents also contribute to child labour. Compulsory elementary education may help ameliorate this attitude. The problem of child labour cannot be eliminated in one stroke. Many countries have enacted laws providing for ban on buying products of industries where children are employed.

Only multi-dimensional strategies including compulsory elementary education, eradication of poverty, eradicating parental illiteracy, making child labour illegal will help in achieving this objective. Stringent legal provisions, severe punishment for violation of laws, rehabilitation of children already engaged in work have to go along with abolition of practice of child labour in the country. Therefore, it is high time that a stringent law for abolition of practice of child labour is enacted.

Hence this Bill.

NEW DELHI;
July 5, 2016.

VINAYAK BHAURAO RAUT

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the appropriate Government shall establish at least one children home in every district for the rehabilitation of children found employed in any establishment or collecting rags and waste or begging. It also provides for payment of monthly stipend of rupees five hundred to the parents of children placed in children homes. The expenditure relating the States shall be borne out of the Consolidated Funds of the respective State Governments. The expenditure relating to Union territory shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 186 OF 2016

A Bill to constitute a Board to identify areas for developing exclusive wildlife corridors and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Wildlife Corridors Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

<p>2. In this Act, unless the context other requires, "wildlife corridors" means a habitat linkage that joins two or more areas of wildlife habitat allowing movement of wildlife from one area to another.</p>	Definition.
<p>3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Wildlife Corridors Identification Board to identify areas in every State, which shall be developed as exclusive Wildlife Corridors.</p>	Constitution of the Wildlife Corridors Identification Board.
<p>(2) The Board shall, while identifying areas for Wildlife Corridors, ensure that the areas to be developed as Wildlife Corridors are located at a distance of at least ten kilometers from areas inhabited by human beings.</p>	
<p>4. The Central Government shall, within one year of the identification of areas, take steps to develop such areas as exclusive wildlife corridors.</p>	Central Government to develop wildlife corridors.
<p>5. No person shall—</p> <p>(i) use the wildlife corridors;</p> <p>(ii) construct any building in or near the wildlife corridors;</p> <p>(iii) cut any tree in the wildlife corridors;</p> <p>(iv) ride any vehicle within one kilometer on either side of the wildlife corridors;</p> <p>(v) set fire or use any fire cracker in or near the wildlife corridors; and</p> <p>(vi) use of any fire arms in or near the wildlife corridors.</p>	Prohibition on certain activities in Wildlife Corridors.
<p>6. If any wild animal during movement strays outside the wildlife corridors or enters human habitation, the Forest Officer concerned shall take steps to sent back such animal to wildlife corridors.</p>	Strayed animals to be sent back to Wildlife Corridors.
<p>7. Whoever violates the provision of this Act shall be punished with fine which may extend upto rupees one lakh.</p>	Penalty.
<p>8. Notwithstanding anything in this Act, the wildlife corridors may be used for—</p> <p>(i) transportation of human beings in case of medical emergency;</p> <p>(ii) transportation of sick wild animals for medical treatment; and</p> <p>(iii) putting off fire in forest areas.</p>	Use of Wildlife Corridors for specific purposes.
<p>9. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.</p>	Act not in derogation of any other law for the time being in force.
<p>10. (1) The Central Government may, by notification in the Offical Gazette, make rules for carrying out the purposes of this Act.</p>	Power to make rules.
<p>(2) Every rule make under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	

STATEMENT OF OBJECTS AND REASONS

In the recent years, there has been gross interference in the ecosystem both by wild animals and human beings. As a result, the ecosystem has not only been destroyed but also there has been a considerable loss to human life, property and economy of the country. Incidents of wild animals straying into human inhabitation and destroying the crops are not uncommon. Likewise human beings have extensively damaged the forests forcing the wild animals coming into conflict with human beings.

Therefore, in order to have a proper balance, it is proposed to set up designated corridors for wildlife.

Hence this Bill.

NEW DELHI;
July 5, 2016.

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Wildlife Identification Board to identify areas in every State for development of wildlife corridors. Clause 4 provides that the Central Government shall take steps to develop wildlife corridors. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would be involved from the Consolidated Fund of India for maintenance of wildlife corridors.

A non-recurring expenditure of about rupees one hundred crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 188 OF 2016

A Bill further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 19.

2. In section 19 of the Food Safety and Standards Act, 2006 after the words “contain”, the words “sugar in excess of the limit prescribed or” shall be inserted. 34 of 2006.

STATEMENT OF OBJECTS AND REASONS

It has been seen that many food items consist of excess sugar levels which are harmful especially for the persons suffering from diabetes. The need is to put a limit within which sugar shall be contained in any food item.

Moreover, if any food product contains more than the approved sugar level, punishment should be awarded.

The Bill, therefore, seeks to amend the Food Safety and Standards Act, 2006 with a view to prohibit use of excess limit of sugar in any article of food.

Hence this Bill.

NEW DELHI;
July 6, 2016.

RAHUL SHEWALE

BILL NO. 194 OF 2016

A Bill to provide for ban on manufacture and use of plastic items and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Ban on Plastic Items Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

(b) "plastic item" means any item or product which is made of plastic and used for storing food, liquid or any consumable or such other product as the Central Government may, by notification in Official Gazette, specify; and

(c) "prescribe" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, no person shall use, manufacture, sell or trade in any plastic item. Prohibition on Plastic items.

4. Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees one lakh. Penalty.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Use of plastic items is harmful not only to the environment but also to the mankind as a whole. Plastic items are being used in large quantities. This is affecting the global environment which results in depletion of our natural resources, and destruction of the whole eco-system.

Hence, it is high time to ban the manufacture and use of plastic items.

Hence this Bill.

NEW DELHI;
July 5, 2016.

SHRIRANG APPA BARNE

BILL NO. 208 OF 2016

A Bill to provide for the promotion and greater exploitation of renewable energy available from sources like solar heat, wind, biogas, urban waste, tides, waves or geothermal sources by making its use compulsory by certain establishments and households in order to reduce the over dependence on fossil fuels for energy needs resulting in global warming, noxious emissions and ecological and climatological imbalances and to protect the environment and for the establishment of a Board for the purpose and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Renewable Energy (Promotion and Compulsory Use) Act, 2016. Short title and extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Board” means the National Renewable Energy Promotion Board constituted under section 4;

(c) “establishment” includes all offices of public and private sector, hotels of all kinds, restaurants, eating joints, shopping malls, multi-storey buildings, departmental stores, hospitals, nursing homes, clinics, schools, colleges and universities, banks, railway stations and airports;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “renewable energy” means energy or power derived from non-conventional energy sources such as sun, wind, animal dung, geothermal sources, tides or waves, carbon waste and garbage or any other sources from which the renewable energy can be obtained.

Central Government to take control of promotion and development of renewable energy.

3. It is hereby declared that it is expedient in the national and public interest that Central Government shall take under its control the promotion and development of the renewable energy generation and take appropriate measures in that direction.

Establishment of the National Renewable Energy Promotion Board.

4. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, constitute a Board to be known as the National Renewable Energy Promotion Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may establish offices at conspicuous places in all the States and Union territories in the country for carrying out the purposes of this Act.

(4) The Board shall consist of—

(a) a Chairperson who shall be an expert scientist having enough professional experience and profound knowledge in the field of renewable energy to be appointed by the Central Government;

(b) a Deputy Chairperson having such qualification and experience, as may be prescribed to be appointed by the Central Government;

(c) five members of Parliament of whom three shall be from Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of both Houses;

(d) five members to represent the Central Government of the Ministries of Finance, Environment and Forests, Science and Technology, Planning, New and Renewable Energy, respectively, to be appointed by the Central Government;

(e) three members to represent non-Governmental organizations working for promotion of new and renewable energy in the country to be appointed by the Central Government; and

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(5) The term of office of the Chairperson, Deputy Chairperson and Members of the Board and the procedure to be followed by the Board in discharge of its functions shall be such as may be prescribed.

(6) The Board shall be assisted by a Secretariat with such number of officers and staff and with such terms and conditions of service as may be prescribed.

5. (1) The Board shall formulate a comprehensive new and renewable energy policy with its goals and execution plan so as to accelerate the promotion and development of renewable energy and to minimize the dependence on fossil fuels for energy production.

Functions of
the Board.

(2) Without prejudice to the generality of the provision of sub-section (1), the Board shall—

(a) support and encourage research and development to promote renewable energy through Government and Private Sector participation involving all major research laboratories and centres in the country;

(b) disseminate information about the developments made abroad in the field of renewable energy;

(c) develop indicative standards of renewable energy;

(d) facilitate quick technology transfer and adoption of renewable energy;

(e) facilitate infrastructure development of renewable energy in rural areas;

(f) make provision for small biomass based energy systems for rural areas, promote dung based individual and community biogas plants, reduce dependence of firewood and encourage lighting in streets and other places through solar energy and setting up of wind power projects;

(g) suggest ways for conversion of fossil fuel based industrial heating to solar thermal heating through solar concentrator technology or its hybrids;

(h) suggest educational and other policy initiatives for renewable energy in the country;

(i) create interactive web based resource maps of different renewable technologies to facilitate speedy project development and market expansion;

(j) undertake such other activities as may be assigned to it by the Central Government from time to time.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall, in consultation with the Board, take the following measures to promote the use of renewable energy:

Miscellaneous
provisions.

(a) make use of photovoltaic energy compulsory in establishments;

(b) make time bound provision for introducing solar water heating system in establishments;

(c) set time bound mandate for promotion of biomass energy systems in the country;

(d) reserve adequate land for setting up of renewable energy projects; and

(e) make it mandatory for electricity utilities for compulsory purchase of electricity from renewable energy producing units.

Explanation.—For the purposes of this sub-section, "establishment" means such places, as the appropriate Government may, by notification in the Official Gazette, specify.

(2) It shall be the duty of the appropriate Government to make available the necessary apparatus, equipment and other infrastructure either free of cost or at subsidized rates to the establishments and individuals to enable them to tap and make maximum use of renewable energy sources and for this purpose shall promote the industrial units manufacturing such apparatus and equipment by extending various incentives, concessions and infrastructure facilities.

(3) It shall be compulsory for every establishment to use the renewable energy to the extent possible.

(4) The appropriate Government shall, as soon as may be, identify the exploited sources of renewable energy in its territorial jurisdiction and send project reports to the Board which shall depute a team of experts to the concerned State or Union territory, as the case may be, to verify and assess the possibility of exploiting renewable energy sources as per the claim of that Government.

(5) The Board shall on the basis of the report of the team of experts work out the likely expenditure on the projects and recommend to the appropriate Government to implement the projects in a time bound manner.

(6) The Board shall submit to the Central Government such other projects and programmes for the optimum exploitation of renewable energy sources as it may deem necessary and expedient for the purposes of this Act.

Penalty.

7. (1) Whoever contravenes any provisions of this Act shall be guilty of an offence under this Act.

(2) Where an offence under this Act is committed by any establishment is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Chief Executive, Secretary or other such officer of the establishment or any person who was purporting to act in any such capacity, he as well as the establishment shall be guilty of that offence and shall be punished with simple imprisonment which may extend to three months or with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees or with both.

Annual Report.

8. (1) The Board shall prepare once in every calendar year in such form as may be prescribed an Annual Report giving a true and full account of its activities during the previous year and shall forward it to the Central Government.

(2) The Central Government shall, as soon as possible, lay the report before each House of Parliament.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board, the Government of the States and the Union territory Administrations for carrying out the purposes of this Act.

Power to remove difficulty.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary to expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of Parliament.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A world Summit was held at Copenhagen, Denmark to find out ways to save the earth from the effects of carbon emission resulting in global warming. Although no foolproof solution could be finalized but the fact remains that global warming is being caused by human activities mainly due to burning of fossil fuels which releases greenhouse gases. Carbon dioxide emissions have increased manifold due to rising consumption of energy particularly coal, petroleum products and firewood by the ever increasing world population. This has put the world on the danger map and if concrete measures are not taken, the coastal areas of the world will submerge in the sea water and many small countries will be wiped out from world map.

For this transition, low carbon economy has to be adopted by massive development of new and renewable energy for the protection of our environment. In our own country, due to ever increasing population and over dependence on fossil fuels, we have invited ecological disaster. Jungles are being vanished due to over use of wood as firewood in the *chulhas* and making furniture, doors, windows, etc. The country is importing petroleum products on a large scale by spending precious foreign exchange. The demand for fuel and power is increasing day by day. Therefore, we have to take steps to promote the use of renewable energy sources to meet the demands of future energy.

Fortunately we have very vast potential of renewable energy but, unfortunately, we have not tapped this potential so far at the anticipated level. There is enormous wind power potential. So is the solar energy. The desert areas have the requisite solar radiation for producing Concentrating Solar Power (CSP). A 60km X 60km area can produce one lakh Mega Watt of power and our country has a desert area of 208110 square kilometer in the States of Rajasthan and Gujarat alone which if tapped can produce enormous power. The country is also capable of producing bio-fuels. Hence, we have to adopt greater use of renewable energy sources which are considered to be non-polluting and eco-friendly. The use of renewable energy sources, therefore, has to be made compulsory for all establishments and households. For this a national Board needs to be established to promote and develop the use of renewable energy resources in the country.

Hence this Bill.

NEW DELHI;
July 5, 2016.

BHAIRON PRASAD MISHRA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Renewable Energy Promotion Board. Clause 9 makes it obligatory for the Central Government to provide requisite funds to the Board, State Governments and Union territory Administrations for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 197 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Banda.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Banda) Act, 2016.

Short title.

2. There shall be established a permanent Bench of the High Court at Allahabad at Banda and such Judges of the High Court at Allahabad, being not less than five in number, as the Chief Justice of the High Court may from time to time nominate, shall sit at Banda in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Banda, Chitrakoot, Mahoba, Hamirpur, Jalaun, Jhansi and Lalitpur.

Establishment of a permanent Bench of High Court at Allahabad at Banda.

STATEMENT OF OBJECTS AND REASONS

The demand for establishment of a permanent Bench of the High Court at Allahabad in the Bundelkhand region of State of Uttar Pradesh has been pending for a long time but the said demand has not been fulfilled. The High Court at Allahabad is heavily burdened and lakhs of cases are pending before that High Court. The delay in disposal of cases is resulting in hardship for the people living particularly in Bundelkhand region of the State. People of the region have to suffer on account of travelling long distance and incurring expenditure for attending their pending cases in the High Court at Allahabad.

The Bill, therefore, seeks to establish a permanent Bench of the High Court at Allahabad at Banda. A permanent Bench of the High Court, if established at Banda, would go a long way in providing much needed relief to those who are not in position to bear the burden of expenditure on account of travelling to attend the hearings of their cases at the High Court at Allahabad.

Hence this Bill.

NEW DELHI;
July 5, 2016.

BHAIRON PRASAD MISHRA

BILL NO. 182 OF 2016

A Bill to provide for the protection and welfare of craftsmen and artisans in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Welfare of Craftsmen and Artisans Act, 2016.

Short title, and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “Board” means the Welfare Board constituted under section 3;

(b) “craftsmen and artisans” means persons engaged in craft of weaving, *kalamkari*, *banjara* embroidery, wood work, brass and bell metal, shawls, wood carving, mat weaving, cane and bamboo textiles or leather work; and

(c) “prescribed” means prescribed by rules made under this Act.

Constitution
of Welfare
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Welfare Board for the welfare and protection of interests of craftsmen and artisans in the country.

(2) The Central Government shall appoint a Chairperson and such other members to the Board from amongst the craftsmen and artisans in the country in such manner as may be prescribed.

(3) The salary and allowance payable to and other terms and conditions of service of Chairperson and members of the Board shall be such as may be prescribed.

Functions of
the Board.

4. The Board Shall —

(a) provide protection, help and assistance to craftsmen and artisans for development of the art;

(b) make efforts to organise the craftsmen and artisans engaged in different patterns of art under one forum;

(c) provide loans and financial assistance on such terms and conditions as may be prescribed; and

(d) make such other provisions as it may deem appropriate for better working conditions and other necessities of life for artisans and craftsmen.

Overriding
effect to the
Act.

5. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are nearly 48.22 lakh artisans and craftsmen living in different parts of the country. They are scattered in different States and their welfare is not being looked after properly by Governments. They do not have access to new technologies. The handicrafts industry provides direct and indirect employment to nearly seventy-six lakh people in rural areas. Therefore, it is necessary that the Government should promote and look after the welfare of craftsmen, weavers and artisans and make provisions for improvement in their living standards.

Hence this Bill.

NEW DELHI;
July 5, 2016.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Welfare Board for the welfare and protection of the interests of all craftsmen and artisans in the country. It also provides for the appointment of the Chairperson and members of the Board. Clause 4 provides that Board shall provide loans and financial assistance as may be necessary to the needy artisans and craftsmen. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers to the Central Government to make rules for carrying out the purposes of Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 173 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016.

Short title.

2. In article 15 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amendment
of article 15.

"(2A) No citizen shall, on ground of caste or sex, be denied access to any place of religious worship opened for general public.

Explanation.—For the purpose of this clause, the expression 'place of religious worship' means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called."

STATEMENT OF OBJECTS AND REASONS

There have been numerous cases where persons belonging to the Scheduled Castes and Scheduled Tribes are denied access to places of worship on the ground of the castes they belong to. Recently, women have also been denied access to places of worship for unconvincing reasons. Such practices are derogatory to human values. Therefore, it is propose to make specific provisions in the Constitution that no citizen shall be denied access to any place of worship opened to the general public on the ground of caste or gender.

Hence this Bill.

NEW DELHI;
July 5, 2016.

UDIT RAJ

BILL NO. 205 OF 2016

A Bill further to amend the representation of the People Act, 1951.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

2. In section 2 of the Representation of People Act, 1951 (hereinafter referred to as the principal Act),—

Amendment of
section 2.

(a) after clause (e), the following clauses shall be inserted, namely:—

"(ea) "paying for news" means payment directly or indirectly for any news or analysis relating to any election appearing in electronic media or print media for a price in cash or kind as consideration to any such media, entity, person

employed therein or connected thereto in any manner, but does not include political advertisements;

Explanation.—For the purpose of this clause the expression "electronic media" and "print media" shall have the same meanings as assigned to them under section 126A;

(*eb*) "political advertisement" means any advertisement paid for by any political party, candidate of a political party, any other person contesting an election, or any other person connected therewith or associated thereto, carrying necessary disclosures as notified by the Election Commission in this regard;" and

(*b*) after clause (*h*), the following clause shall be inserted, namely:—

"(*ha*) "receiving payment for news" means any media entity, person employed therein or connected thereto in any manner receiving payment directly or indirectly for any news or analysis relating to any election under this Act but does not include political;".

Amendment of section 4. **3.** In section 4 of the principal Act, after clause (*d*), the following proviso shall be inserted, namely:—

"Provided that only the political parties registered with the Election Commission under sub-section (7) of section 29A shall be entitled to put forward candidates to fill a seat in the House of the People.".

Amendment of section 5. **4.** In section 5 of the principal Act, in clause (*c*), after the proviso, the following proviso shall be inserted, namely:—

"Provided that only the political parties registered with the Election Commission under sub-section (7) of section 29A shall be entitled to put forward candidates to fill a seat in the Legislative Assembly of a State".

Amendment of section 10A. **5.** In section 10A of the principal Act,—

(*i*) for the words 'election expenses' wherever they occur, the word 'election expenses and contribution reports' shall be substituted; and

(*ii*) for the words 'for a period of three years', the words 'for a period not less than three years but which may extend upto a period of five years', shall be substituted.

Substitution of new sections for section 29C. **6.** For section 29C of the principal Act, the following sections shall be substituted, namely:—

Maintenance, audit, publication of accounts by political parties. "29C. (*1*) Each recognised political party shall maintain accounts clearly and fully disclosing all the amounts received by it and clearly and fully disclosing the expenditure incurred by it.

(2) The account shall be maintained according to the financial year.

(3) Within six months of the close of each financial year, each recognised political party shall submit to the Election Commission, its accounts, duly audited by a qualified and practicing chartered accountant from a panel of such accountants maintained for the purpose by the Comptroller and Auditor General.

(4) The Election Commission shall make publicly available, on its website, the audited accounts submitted by all political parties under sub-section (3).

(5) The Election Commission shall also keep these accounts on file for three years after their submission and shall make them available for public inspection on the payment of a prescribed fee.

29D. (1) The treasurer of a political party or any other person authorised by the political party in this behalf shall, in each financial year, prepare a report in respect of the following, namely:—

Declaration of contribution received by the political parties.

(a) the contribution in excess of twenty thousand rupees, including an aggregate of contributions in excess of twenty thousand rupees, received by such political party from any person in that financial year;

(b) the contribution in excess of twenty thousand rupees, including an aggregate of contributions in excess of twenty thousand rupees received by such political party from any company, not including a Government company, in that financial year.

(2) Notwithstanding anything contained in sub-section (1), the treasurer of a political party or any other person authorised by the political party in this behalf shall, in the report referred to in sub-section (1), disclose the particulars of such contributions received from a person or company, not including a Government company, even if the contributions are below twenty thousand rupees, in case such contributions exceeds ten crore rupees, or ten per cent of total contributions, whichever is lesser, as received by the political party in that financial year.

Illustration: A political party, 'P', receives a total of one hundred crore rupees, in cash or cheque, in a financial year. Out of this amount, fifty crore rupees are received from undisclosed sources, by way of contributions less than twenty thousand rupees (in cash or multiple cheques). P shall be liable to disclose the particulars of all donors beyond twenty crores, even if they have contributed less than twenty thousand rupees each.

(3) The report under sub-section (1) shall be in such form as may be prescribed.

(4) The report for a financial year under sub-section (1) shall be submitted by the treasurer of a political party or any other person authorised by the political party in this behalf before the due date for furnishing a return of its income of that financial year under section 139 of the Income-tax Act, 1961, to the Election Commission.

43 of 1961.

Explanation.—For the avoidance of doubt, it is hereby clarified that the term "particulars" mentioned in this section shall include the amount donated; the names and addresses, and PAN card number if applicable, of such person or company referred to in this section.

29E. (1) The Election Commission shall make publicly available, on its website, the contribution reports submitted by all political parties under section 29D.

Disclosure of contribution reports submitted by political parties.

(2) The Election Commission shall also keep these reports on file for three years after their submission and shall make them available for public inspection on the payment of a prescribed fee.

29F. (1) Every political party contesting an election shall, within seventy five days of the date of an election to a Legislative Assembly of a State or ninety days of the date of an election to the House of the People, lodge with the Election Commission a statement of election expenditure and contribution reports, which shall be a true copy of such statement maintained by the party in consonance with the directions of the Election Commission.

Election expenses by political parties.

(2) The payment of any election expenditure over twenty thousand rupees shall be made by the political parties *via* cheque or draft, and not by cash, unless there are no banking facilities or the payment is made to a party functionary in lieu of salary or reimbursement.

29G. (1) Where the treasurer of any political party or any other person authorised by the political party in this behalf fails to submit a report in the prescribed form within the time specified under sub-section (4) of section 29D then such political party shall be liable to a penalty of twenty five thousand rupees for each day of non-compliance and so long as the non-compliance continues:

Penalty.

Provided that If such default continues beyond a period of ninety days, the Election Commission may de-register the political party after giving a reasonable opportunity of being heard in this regard.

(2) If the Election Commission finds on verification, undertaken whether or on information received, that the report submitted under sub-section (4) of section 29D is false in any particular, the Election Commission shall levy a fine up to a maximum of fifty lakh rupees on such political party or may suspend the affiliation of a political party for a period of five years after giving a reasonable opportunity of being heard in this regard.

Penalty for political parties accepting contributions from an impermissible donor.

29H. If a political party accepts any contribution offered to it from an impermissible donor, it shall be liable to pay a penalty which shall be five times the amount so accepted from such donor.

Explanation.—For the purpose of this section, "impermissible donor" refers to:

(a) a Government company, as defined in section 29B;

(b) a company that does not comply with the requirements of sub-section (1) section 182 of the Companies Act, 2013; or

18 of 2013.

(c) any foreign source defined under clause (e) of section 2 of the Foreign Contribution (Regulation) Act, 1976."

49 of 1976.

Insertion of new Parts IVB and IVC.

7. After Part IVA of the principal Act, the following Parts and sections thereunder shall be inserted, namely:—

"PART IVB

Regulation of Electoral Trust

Electoral Trusts entitled to accept contribution.

29I. (1) Subject to the provisions of the Companies Act, 2013 and the Income Tax Act, 1961, an Electoral Trust approved by the Central Board of Direct Taxes under the Electoral Trusts Scheme, 2013 may accept any amount of contribution voluntarily offered to it by any person or company not including a Government Company:

18 of 2013.
43 of 1961.

Provided that no Electoral Trust shall be eligible to accept any contribution from any foreign source defined under clause (e) of section (2) of Foreign Contribution (Regulation) Act, 1976:

49 of 1976.

Provided further that all words and phrases used in this Part shall have the same meaning as assigned to them in section 29B.

Maintenance, audit, publication of accounts by electoral trusts.

29J. (1) Each Electoral Trust shall maintain accounts clearly and fully disclosing all the amounts received by it and clearly and fully disclosing the expenditure incurred by it.

(2) The account shall be maintained according to the financial year calendar.

(3) Within three months of the close of each financial year, each Electoral Trust shall submit its accounts, duly audited by a qualified and practicing chartered accountant from panel of Chartered Accountants, to be appointed by the Comptroller and Auditor General to the Election Commission.

(4) The Election Commission shall make publicly available, on its website, the audited accounts submitted by all electoral trusts under sub-section (3).

(5) The Election Commission shall also keep these accounts on file for three years after their submission and shall make them available for public inspection on the payment of a prescribed fee.

Declaration of contribution received by the Electoral Trusts.

29K. (1) The treasurer of an Electoral Trust or any other person authorised by the trust in this behalf shall, in each financial year, prepare a report in respect of the following, namely:—

(a) the contribution received by such electoral trust from any person in that financial year, with name, address, PAN of such persons:

Provided that the Electoral Trust or any other person authorised by the Trust in this behalf shall not receive any donation in cash and without the name, address and PAN (if any);

(b) the contribution to political parties from electoral trusts in that financial year with date amount, mode of payment and name of political party:

Provided that the electoral trusts shall not make any contribution to political parties in cash other than by bank account transfer.

(2) The report shall be in such form as may be prescribed.

(3) The report for a financial year under sub-section (1) shall be submitted by the treasurer of an Electoral Trust or any other person authorised by the Trust with three months of the close of each financial year to the Election Commission.

29L. (1) The Election Commission shall make available, on its website, the contribution reports, submitted by all Electoral Trusts under sub-sections (2) and (3) of this section.

(2) The Election Commission shall also keep these reports on file for three years after their submission and shall make them available for public inspection on the payment of a prescribed fee.

Disclosure of contribution reports submitted by Electoral Trusts by Election Commission.

29M. (1) Where the Electoral Trust fails to submit a report in the prescribed form within the time specified under sub-sections (2) or (3) then, such Electoral Trust shall be liable to a penalty of twenty five thousand rupees for each day of non-compliance and so long as the non-compliance continues:

Penalty.

Provided that if such default continues beyond period of ninety days, the Election Commission may ban the electoral trust from receiving any donations in future, after giving a reasonable opportunity of hearing.

(2) If the Election Commission finds on verification, undertaken whether *suo motu* or on information received, that the statement of accounts filed under this section is false in any particular, the Election Commission shall impose a fine up to a maximum of fifty lakh rupees on such Electoral trust or ban on receiving further donation for a period as decided by Election Commission or both.

(3) If the Electoral Trust has received funds from an impermissible donor, it shall be liable to penalty that is five times the amount so accepted by the Trust.

Explanation.— For the purpose of this section, "impermissible donor" refers to:

(a) a Government company, as defined in section 29B;

(b) a company that does not comply with the requirements of sub-section (1) section 182 of the Companies Act, 2013; or

(c) any foreign source defined under clause (e) of section 2 of the Foreign Contribution (Regulation) Act, 1976.

PARTIVC

Regulation of Political Parties

29N. (1) Any citizen of the country may form a political party.

(2) Every political party shall frame its constitution defining its aims and objects and providing for matters specified in this Part:

Formation of political parties.

Provided that the aims and objects of a political party shall not be inconsistent with the provisions of the Constitution.

43 of 1961.

18 of 2013.

49 of 1976.

(3) A political party shall strive towards, and utilize its funds exclusively for, the fulfilment of its aims and objects and the goals and ideals set out in the Constitution of India.

Name of
political
parties and
power to sue.

29. (1) A political party may sue and may be sued in its own name.

(2) A political party shall be competent to hold and dispose of properties.

(3) The name of a political party must be clearly distinguishable from that of any existing political party and shall be subject to approval by the Election Commission.

(4) In election campaigns and in elections, only the registered name or its acronym, as may have been approved by the Election Commission, alone shall be used.

Constitution
of a political
party.

29P. The constitution of a political party shall provide for the following matters:—

(a) name of the political party and acronym (if used) and the aims and objectives of the party;

(b) procedure for admission, expulsion and resignation by the members;

(c) rights, duties and obligations of the members;

(d) grounds on which and the procedure according to which disciplinary action can be taken against the members;

(e) the general organisation of the party including the formation of State, regional, district, block and village level units;

(f) composition and powers of the Executive Committee (by whatever name it is called) and other organs of the party;

(g) the manner in which the general body meetings can be requisitioned and conducted and the procedure for requisitioning and holding conventions to decide questions of continuance, merger and other such fundamental organisational matters;

(h) the form and content of the financial structure of the party consistent with the provisions of this part.

Executive
committees.

29Q. (1) Every political party shall elect an Executive Committee.

(2) The term of the Executive Committee shall be four years.

(3) The Executive Committee may constitute a sub-committee, by whatever name called, to carry out the business of the Executive Committee and to carry on regular and urgent executive committee business.

(4) The members of the sub-committee shall be elected by the members of the executive committee.

Voting
procedures.

29R. Every political party shall adopt its resolutions on the basis of a simple majority vote held by secret ballot.

Candidate
selection.

29S. The candidates for contesting elections to the Parliament or the Legislative Assembly of the States shall be selected by the executive committee of the political party having due regard to the recommendations and resolutions passed by the concerned local party units.

Regular
elections.

29T. (1) It shall be the duty of the Executive Committee to take appropriate steps to ensure compliance with the provisions of this chapter including holding of elections at all levels.

(2) The executive committee of a political party shall hold elections of national and State levels in the presence of the observers to be nominated by the Election Commission of India:

Provided that, the Election Commission may, if it consider necessary, send its observers at elections to be held at other national and State levels.

29U. (1) The Election Commission shall inquire, either *suo motu* or on information received into allegation of non-compliance of any of the provisions of this Part.

Penalties for non-compliance.

(2) On inquiry, if the Election Commission is satisfied that there has been non-compliance of any of the provisions of this chapter by any political party, the Commission shall call upon the party to rectify the non-compliance within such period as may be prescribed by the Election Commission.

(3) In case, the non compliance continues even after the period so prescribed, it shall be open to the Election Commission to impose such fine on the political party as it may deem fit in circumstances of the case including imposition of a penalty of rupees twenty five thousand per day for each day of non-compliance and withdrawal of registration of the party.

29V. (1) If any political party registered under section 29A of this Act does not contest any election to the House of the People or the Legislative Assembly of a State for ten consecutive years, its registration shall be liable to be cancelled by the Election Commission.

Penalty for failure to contest elections for ten years consecutively.

(2) The Election Commission shall scrutinise the registrations of all the political parties under section 29A, and if it finds that any registered party has not contested any election to the House of the People or the Legislative Assembly of a State for ten consecutive years, it shall cancel such registration."

8. In section 33 principal Act, in sub-section (7)—

Amendment of Section 33.

(i) in clause (a), for the words "from more than two Parliamentary constituencies", the words "from more than one Parliamentary constituency" shall be substituted;

(ii) in clause (b), for the words "from more than two Assembly constituencies", the words "from more than one Assembly constituency" shall be substituted;

(iii) in clause (c), for the words "from more than two Council constituencies", the words "from more than one Council constituency" shall be substituted;

(iv) in clause (d), for the words "for filling more than two such seats", the words "for filling more than one such seat" shall be substituted;

(v) in clause (e), for the words "from more than two such Parliamentary constituencies", the words "from more than one such Parliamentary constituency" shall be substituted;

(vi) in clause (f), for the words "from more than two such Assembly constituencies", the words "from more than one such Assembly constituency" shall be substituted;

(vii) in clause (g), for the words "for filling more than two such seats", the words "from more than one such seat" shall be substituted;

(viii) in clause (h), for the words "from more than two such Council constituencies", the words "from more than one such Council constituency" shall be substituted.

9. After Chapter VIIA of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

Insertion of new Chapter VIIB.

"Chapter VIIB

Restriction on Government Sponsored Advertisements

75B. (1) The Central Government or the State Government, as the case may be, shall not publish any advertisements its achievements either in the print media, electronic media, or by way of banners or hoardings in public places for a period of six months prior to the date

Restriction on Government sponsored advertisement.

of expiry of the term of the House of the People or the Legislative Assembly of the concerned State:

Provided that the restrictions above shall not apply to the advertisements of achievements of the Government relating to their poverty alleviation programmes or any health related schemes; however, such advertisements shall not carry any symbol of a political party or the names or photographs of any Minister or leader of any political party.

(2) In case, Election Commission of India finds through the means of complaint or by itself that advertisement issued are in contravention to section 75B, the party responsible shall be fined twice the amount of the advertisements issued."

Insertion of
new section
77A.

10. After section 77 of the principal Act, the following section shall be inserted, namely:—

Account of
contributions
received.

"77A. Every candidate at an election shall, either by himself or by his election agent, also keep an account of the following particulars in respect of the donations or contributions received by the candidate after the date of notification of election, namely:—

(a) the amount of contribution received by the candidate from his party for the election;

(b) the amount of contribution received by the candidate from—

(i) any person;

(ii) any company, not being a Government company;

(c) the name, address and PAN card details, if applicable, of the donor in sub-clause (b) above;

(d) the nature of each contribution, in particular, whether it is:

(i) cash; or

(ii) cheque; or

(iii) gifts in kind;

(e) the date on which the contribution was received.

Explanation.— All contributions by a political party to its candidate shall be made by a crossed account payee cheque or draft or bank transfer."

Amendment
of Section 78.

11. In section 78 of the principal Act,—

(a) the words "or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates" shall be omitted; and

(b) after the words "by his election agent under section 77", the words "and section 77A, respectively" shall be added.

Insertion of
new section
78B.

12. After section 78A of the principal Act, the following section shall be inserted, namely:—

Disclosure of
account
submitted by
contesting
candidates.

"78B. (1) the district election officer shall make publicly available, on its website, the accounts of election expenses and contribution reports submitted by every contesting candidate or their election agent under section 78.

(2) The district election officer shall also keep accounts of election expenses and contribution reports on file for three years after their submission and shall make them available

for public inspection on the payment of a prescribed fee under rule 88 of the Conduct of Election Rules, 1961."

13. In section 79 of the principal Act, for clause (e), the following clause shall be substituted, namely:— Amendment
of section 79.

"(e) "High Court" means the High Court within the local limits of whose jurisdiction the election to which the election petition relates has been held; wherever applicable, a reference to the High Court in this Part shall also be deemed to include a reference to the 'Election Bench' designated by the Chief Justice of the relevant High Court in accordance with the procedure prescribed by this Part;"

14. In section 80A of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— Amendment
of section
80A.

"(4) Where the High Court functions in more than one State, or where the High Court has more than one bench, the election petition shall be filed before the Principal Seat of the relevant High Court.

Explanation.— The High Court in its discretion may, in the interests of justice or convenience, try an election petition, wholly or partly, at the bench or place other than the Principal Seat of the High Court."

15. In section 86 of the principal Act,—

Amendment
of section 86.

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) There shall be one or more election Benches, comprising of one or more judges, as designated by the Chief Justice of the High Court under sub-section (2) of 80A, which shall only be dealing with election petitions presented in accordance with the provisions of this Part.

(2B) The trial of an election petition shall be continued from day to day until its conclusion, and the election Bench shall not grant any adjournments unless sufficient cause is made out and may impose costs, including exemplary costs, on the party seeking the adjournment.

(2C) Every election petition shall be tried as expeditiously as possible and trial shall be concluded within six months from the date on which the election petition is presented to the High Court for trial:

Provided that if the trial is not concluded within six months, the designated election Bench shall, for reasons to be recorded in writing, explain the cause for delay in a report to the Chief Justice of the High Court.

(2D) The respondent(s) shall file the written statement within forty-five days from the date of service of summons:

Provided that if the election bench is satisfied that the respondent(s) were prevented by sufficient cause from filing the written statement within the said period of forty-five days, it may entertain the written statement within a further period of fifteen days, but not thereafter:

Provided further that on expiry of the period of fifteen-days, the respondent(s) shall forfeit the right to file the written statement and the Election Bench shall not allow the written statement to be taken on record thereafter."

(b) sub-sections 6 and 7 shall be omitted.

Insertion of new section 98A.

16. After section 98 of the principal Act, the following section shall be inserted, namely:—

Collection and disclosure of data by the High Court.

"98A. (1) Every High Court shall maintain and update on its website, the information regarding the number of election petitions filed and pending, the status of each petition, the names of the parties, and designated election Bench.

(2) The Election Commission shall prepare an annual report compiling the information mentioned in sub-section (1) from all the High Courts, and shall publish the said information annually on its website."

Amendment of sections 99, 100, 102, 109, 112, 116 and 119.

17. In sections 99, 100, 102, 109, 112, 116 and 119 of the principal Act, for the words 'High Court', wherever they occur, the words 'Election Bench of High Court' shall be substituted.

Amendment of section 123.

18. In section 123 of the principal Act, in sub section (2), in proviso (a), after entry (ii), the following entry shall be inserted, namely:—

"(iii) pays for news;"

Amendment of Section 126.

19. In section 126 of the principal Act,—

(i) in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

"(b) publish, publicise or disseminate any election matter by means of print or electronic media;"

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) No court shall take cognisance of any offence punishable under sub section (1) unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned.

Explanation.—For the purposes of this section,—

(a) "election matter" means any matter intended or calculated to influence or affect the result of an election.

(b) "electronic media includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) "print media" includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) "disseminate" includes publication in any "print media" or broadcast or display on any electronic media; and

(iii) sub-section (3) shall be omitted.

Insertion of new sections 126C and 126D.

20. After section 126B of the principal Act, the following sections shall be inserted, namely:—

Disclosures relating to opinion polls.

"**126C.** (1) No person shall publish or broadcast the results of an opinion poll without providing the following together with the results:

(a) the name of the sponsor of the survey;

(b) the name of the person or organization that conducted the survey;

(c) the date on which or the period during which the survey was conducted;

(d) the population from which the sample of respondents was drawn;

(e) the number of people who were contacted to participate in the survey; and

(f) if applicable, the margin of error in respect of the data obtained.

(g) A declaration that the results are in the nature of predictions, to be displayed prominently, in the manner prescribed by the Election Commission.

(h) Any other information as may be notified by the Election Commission.

(2) In addition to the information under sub-section (1), the publisher or broadcaster of an opinion poll shall, within a period of twenty- four hours after the publication or broadcast of the opinion poll, publish on its website a copy of a written report on the results of the survey referred to in sub-section (1).

(3) The report referred to in sub-section (2) shall include the following, as applicable:

(a) the name and address of the sponsor of the survey;

(b) the name and address of the person or organization that conducted the survey;

(c) the date on which or the period during which the survey was conducted;

(d) information about the method used to collect the data from which the survey results are derived, including

(i) the sampling method;

(ii) the population from which the sample was drawn;

(iii) the size of the initial sample;

(iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in the survey, refused to participate in the survey, and were ineligible to participate in the survey;

(v) the date and time of day of the interviews;

(vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and

(vii) any weighting factors or normalization procedures used in deriving the results of the survey;

(e) the wording of the survey questions and, if applicable the margins of error in respect of the data obtained; and

(f) a copy of the poll as published along with the copy of the disclosure under sub-section(1).

(4) The Election Commission may issue further notifications regarding the manner in which the disclosures under sub-sections (1) and (2) are to be made.

(5) Any person who contravenes the provisions of this section shall be punished, on first conviction, with fine which may extend up to five lakh rupees, and in the event of a second or subsequent conviction with imprisonment of either imprisonment for a term which may extend up to two years, and shall also be liable to fine.

(6) No Court shall take cognisance of any offence punishable under this section unless there is a complaint made by order of, or under authority from, the Election Commission or the Chief Electoral Officer of the State concerned.

Explanation.—For the purposes of this section, "opinion poll" means a survey of how electors shall vote at an election or of the preferences of electors respecting any candidate, group of candidates, or political party.

Offences by companies.

126D. (1) Where an offence under sub-section (1) of section 126C has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm."

Insertion of new Sections 127B, 127C and 127D.

21. After section 127A of the principal Act, the following sections shall be inserted, namely:—

Paying for news.

"127B. (1) Any person who is found paying for news, or receiving payment for news shall be punished with imprisonment for a term which may extend upto three years, and with fine, which may extend upto twenty-five lakh rupees.

(2) Nothing contained in sub-section (1) shall apply to payments made by registered political parties for the management of official publications whether print, radio, television and all other electronic owned or controlled by them.

(3) For the purposes of sub-section (2) every registered political party shall disclose its interests in any publication in the form and manner notified by the Election Commission of India in this regard.

(4) An attempt to commit an act punishable under sub-section (1) shall be punished with imprisonment for a term, which may extend upto two years, or with fine, which may extend upto ten lakh rupees, or with both.

(5) No court shall take cognisance of any offence punishable under this section unless there is a complaint made by order of, or under authority from, the election Commission of India or the Chief Electoral Officer of the State concerned.

Non-disclosure of interest in political advertising.

127C. (1) Any political advertisement in any media shall carry a disclosure to this effect in the form and manner notified by the Election Commission of India in this regard.

(2) Whoever contravenes the provision of sub-section (1) shall be punished with imprisonment for a term which may extend upto six months or fine which may extend upto five lakh rupees or with both.

Offences by companies.

127D. (1) Where an offence under sub-section (1) of section 127B has been committed by a company every person who, at the time the offence was committed, was in charge of,

and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm."

STATEMENT OF OBJECTS AND REASONS

Transparency in election financing is most important for a truly democratic electoral representation. Although there are legal provisions limiting election expenditure for candidates and governing the disclosure of contributions by companies to political parties. However, the same is not properly regulated, either due to loopholes in the law or their improper enforcement. This is evident from the 2001 Consultation Paper of the National Commission to Review the Working of the Constitution on Electoral Reforms, which estimates that actual campaign expenditure by candidates is "*in the range of about twenty to thirty times the said limits.*"

Association of Democratic Reforms (ADR) in its election expenses analysis for the Lok Sabha, 2009 of the 6753 candidates (of a total of 8028 candidates) whose summary statements of expenses were available, only four candidates exceeded the ceiling and only 30 spent up to 90 percent of the expenditure limit. On the other hand, 1066 candidates declared election expenses of less than Rs. 20,000 and 197 declared expenses less than Rs. 10,000.⁹⁷ Given the distortion between the reported and estimated candidate expenditure, increasing the expenditure limits further might not necessarily provide an answer.

As pointed out by Law Commission of India its 255th Report on Reforms in Election Commission, section 77 of the Representation of People Act, 1951 only covers individual "Candidates" and not on political parties. It allows political parties to have unlimited expenditure on part account. In case of political contribution, the Rs. 20,000 disclosure limit can be easily evaded by writing multiple cheques below rupees 20,000 each, or giving the money in cash. Election Commission of India's transparency guidelines do not have statutory authority and there is no legal consequence for non-compliance. Further, unlike many of the countries, political parties and candidates file their returns with the Election Commission of India, without putting up the information online (on the Election Commission of India's website) or making it easily available for public inspection (barring an RTI). This is essential to bring about transparency in the public domain and to let the voters know the donors, contributions and expenditures of the parties and candidates.

The present Bill, therefore, seeks to amend the Representation of People Act, 1951 with a view to—

(a) expand the ambit of Election Commission of India by providing it the powers to prosecute, in case, issues are found with the filing of expenditure reports of candidates and parties;

(b) include 'paid news' within the mandate of Election Commission of India to put a check on electoral malpractice which severely hinges on the idea of Freedom of Speech by manipulating public opinion;

(c) constitute Electoral Benches under the respective High Court of the States to adjudicate upon election related cases; and

(d) confer Election Commission of India with the powers to prosecute and de-register a political party in case of non-disclosure or wrongful disclosure of the expenditure.

The aforesaid amendments in the Representation of People Act, 1951 were long overdue and have been repeatedly pointed out by Election Commission of India, civil society and various Law Commission Reports. A transparent election is right of the citizens of the country. It is on this edifice of transparency and accountability of politicians that the true idea of democracy can be achieved.

Hence this Bill.

NEW DELHI;
July 5, 2016.

FEROZE VARUN GANDHI

BILL NO. 174 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title
and
commencement.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of
article 324.

2. In article 324 of the Constitution,—

(a) for clause (2), the following clauses shall be substituted, namely:—

“(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the president, may, in consultation with the Committee of Appointments, from time to time, fix.

(2A) The appointment of Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President on the recommendations of the Committee of Appointments.

(2B) There shall be a Committee of Appointments consisting of—

- | | |
|--|--------------|
| (i) the Prime Minister— | Chairperson; |
| (ii) The Speaker of the House of the People— | Member; |
| (iii) the Leader of the Opposition in the Council of States— | Member; |
| (iv) the Leader of the Opposition in the House of the People— | Member; |
| (v) the Chief Election Commissioner of India— | Member; and |
| (vi) one retired judge of Supreme Court of India to be
nominated by the Chief Justice of India— | Member. |

Explanation.—For the purposes of this clause, “the Leader of the Opposition in the House of the People” or “the Leader of the Opposition in the Council of States” shall, when no such leader has been so recognized, include the Leader of the single largest group in Opposition of the Government in the House of the People or the Council of States, as the case may be.

(2C) The Committee of Appointments shall recommend to the President the name of person for appointment as the Chief Election Commissioner, the Election Commissioner or the Regional Commissioner.”; and

(b) in clause (4), for the words, “after consultation with Election Commission”, the words “on the recommendation of the Committee of Appointments” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The success of Indian democracy is considered to be its ability to conduct elections in a free and fair manner in a country which is divided on linguistic, racial and religious basis. It was with this idea that Election Commission of India was formed as an autonomous body to look over the violation in Representation of People Act, 1950 and to conduct free and fair elections.

Participating in the Constitutional Assembly Debates, Dr. Ambedkar, the Chairman of the Drafting Committee, on Election Commission said: *It has been brought to the notice of both the drafting committee as well as Central Government that in these provinces the executive Government is instructing or managing things in such a manner that those people who do not belong to them either racially, culturally or linguistically, are being excluded from being brought on the electoral rolls. The House will realize that franchise is a most fundamental thing in a democracy. No person who is entitled to be brought into the electoral rolls on grounds which we have already mentioned in our Constitution, namely, an adult of 21 years of age should be excluded merely as a result of the prejudice of a Local Government, or whim of an officer. That would cut at the very root of democratic Government.*

The appointment of Chief Election Commissioner and Election Commissioners through an autonomous body which includes representatives from Judiciary, Executive, Politics and Election body itself will provide for an impartial appointment of the Commissioners without due interference from the sitting Government.

The reported weightage given to various high profile politicians or politicians in power as compared to the political parties in oppositions and other politicians, in the matter of appointment of the Chief Election Commissioner and other Election Commissioners, is one of the issues raised by political parties and reflects upon the politicisation of Election Body.

As elections are supposed to be completely impartial in nature, the very guardians of this impartiality *i.e.* Election Commission of India should also be chosen on the principle of independence from political influence.

Thus a body which will have representation from across the aisle and various pillars of democracy will allow for independent appointments and thus raising the stature of the Election Commission of India itself.

Hence this Bill.

NEW DELHI;
July 5, 2016.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for appointment of a retired judge of the Supreme Court as Member of the Committee of Appointments. It will involve nominal expenditure on account of Payment of TA/DA and other remuneration to the retired judge as and when the meetings of the Committee of Appointments all held. Since it is not possible to estimate the TA/DA and remuneration which shall be paid when the meetings are held, it is, therefore, at this stage, not possible to estimate the exact amount which will be involved from the Consolidated Fund of India.

No other expenditure will be involved.

ANOOP MISHRA
Secretary General